

CALIFORNIA CHILD ABDUCTION TASK FORCE



Summary Report Fourth Edition 2008

Governor's Office of Emergency Services

CALIFORNIA CHILD ABDUCTION TASK FORCE

SUMMARY REPORT Fourth Edition 2008

Missing Children



Jordan Torres –
Parental/Family Abduction
Last Seen 7/12/2007
If Seen Call Los Angeles
District Attorneys Office at
(213) 974-3607



Alexander Silah
Parental/Family Abduction
Last Seen 7/2/2008
If Seen Call Los Angeles
Police Dept at
(310) 482-6334



Jahi Turner
Stranger Abduction
Last Seen 4/25/2002
If Seen Call San Diego
Sheriff at (858) 974-2143



Denzel Izaguirre
Parental/Family Abduction
Last Seen 6/13/2008
If Seen Call San Francisco
District Attorney at
(415) 553-0123

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(Now known as CALIFORNIA EMERGENCY MANAGEMENT AGENCY)

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This report and the California Child Abduction Task Force are supported by the Children's Justice Act (CJA), which is supported by the Federal Crime Victim's Fund, an amalgamation of fines and fees collected from defendants convicted of federal crimes. The Crime Victim's Fund is administered by the United States Department of Justice, Office of Victims of Crime (OVC). CJA grants are awarded by the Administration on Children, Youth, and Families, United States Department of Health and Human Services, as authorized by Section 107 of the Child Abuse Prevention and Treatment Act (CAPTA).

The opinions, findings, and conclusions in this publication are those of the author(s), experts in the field of child abduction, and do not necessarily reflect the beliefs, ideals, and goals of the staff of OES, or the members of the California Children's Justice Act Task Force. This is a report created by the Child Abduction Task Force members every three-to-five years.

This report covers a three year period ending on December 2008. As of January 1, 2009, the Governor's Office of Emergency Services and the Office of Homeland Security merged to form a newly Cabinet level agency called the California Emergency Management Agency (CalEMA).

Copies of this report are available on our website at www.CalEMA.ca.gov.

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CALIFORNIA CHILD ABDUCTION TASK FORCE SUMMARY REPORT
FOURTH EDITION 2008**

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MISSION STATEMENT
OF
CALIFORNIA CHILD ABDUCTION TASK FORCE

The mission of the California Child Abduction Task Force is to reduce the risk and incidence of child abduction, and to increase the effectiveness of a multi-disciplinary response by enhancing skills, knowledge, and awareness of child abduction.

INTRODUCTION AND BACKGROUND

Concerns about child abduction in California initially came to the attention of the former Governor's Office of Criminal Justice Planning (OCJP) in 1997 (OCJP was abolished by legislation on December 31, 2002. Its programs, with the exception of those in the Juvenile Delinquency Prevention Branch, were transferred to the Governor's Office of Emergency Services.) After suffering the effects of multiple abductions resulting in murders between 1994-1997, various citizens in Central California appealed for statewide attention to the increasing number of child abductions.

In response, OCJP established an *ad hoc committee* of experts knowledgeable in the prevention and intervention of violence against children to identify prevalent issues in the area of child abduction. On June 12, 1996, the committee met in the San Francisco Bay area consisting of representatives of federal, state, and local law enforcement agencies, prosecutors from county district attorney offices, social service agencies, administrators from non-profit community organizations, educators, and child advocates.

Numerous family abduction and non-family abduction issues were identified and reviewed. The issues were divided into two categories dealing with policies and standards and those involving training. The *Policy and Standards Subcommittee* and the *Training Subcommittee* were formed. The subcommittees met to identify, clarify, and research the issues and recommend solutions for the most crucial issues.

Since July 1998, the California Children's Justice Act Task Force has allocated funds to allow the committee to formally become the California Child Abduction Task Force (Task Force). The Task Force consists of members from the original ad hoc committee and of new members considered experts in child abduction prevention and/or intervention, who meet three-to-four times a year to maintain an ongoing review of current child abduction issues.

Since 1999, the Task Force has presented twenty-nine trainings throughout California. These trainings have attracted over 2,000 participants, primarily professionals who are first responders to reports of child abduction. According to the Commission on Peace Officer Standards and Training (POST) training evaluations, participants have found the training worthwhile and the trainings have provided relevant and pertinent information.

The Task Force has focused on current issues impacting the effective response to and investigation of child abduction cases, and has conducted an ongoing review of priorities outlined in the first, second, and third editions of the *California Child Abduction Task Force Summary Report*.

ACCOMPLISHMENTS AND FUTURE DIRECTION OF THE CALIFORNIA CHILD ABDUCTION TASK FORCE

The California Child Abduction Task Force (Task Force), under the sponsorship of the former Governor's Office of Criminal Justice Planning (OCJP) - now OES, is in an excellent position to take a statewide view of how child abductions are handled in California. Its members hail from as far north as Redding and as far south as San Diego, and represent federal, state, and local law enforcement and prosecutorial agencies, private, non-profit missing children's agencies, and child protective services agencies. Their wide range of expertise and shared perspectives on how to handle child abduction cases throughout the state provide the Task Force with an unparalleled vantage point from which to work.

The first, second, and third editions of the *California Child Abduction Task Force Summary Report* outlined priorities and goals identified by the Task Force in its earlier years, and described the work done by the Task Force to address those priorities and goals. This report encompasses the years 2004, 2005, 2006, 2007, and 2008 illustrating the Task Force continues to assess the state's priorities and increase the effectiveness of a multi-disciplinary response to child abductions.

As previous reports illustrated, members of the Task Force played an instrumental role in the following key developments in the child abduction field:

- **AMBER Alert:** Since its inception on July 24, 2003, the AMBER Alert system has and continues to foster an abundance of statewide support from the public, law enforcement and governmental agencies, private business entities, and the California Broadcasters Association. Through June of 2006, there has been a total of 91 AMBER Alert Activations representing a total of 119 victims abducted. All 119 victims were safely recovered or accounted for.

The California Highway Patrol (CHP) is responsible for operating of the AMBER Alert system in California. The CHP Emergency Notification and Tactical Alert Center (ENTAC) can provide assistance to law enforcement and other partner agencies. ENTAC is staffed on a 24/7 full-time basis.

The crux of the AMBER Alert system is activation of the Emergency Alert System (EAS) on television and Radio Stations. The California Broadcasters Association and its affiliates have been extremely supportive of the program and have voluntarily interrupted regularly scheduled programming on numerous occasions. Accordingly, it is essential to the integrity of the program the primary investigating agency ensures all required criteria is met prior to requesting the activation of an AMBER Alert:

1. The investigating law enforcement agency confirms an abduction has occurred.
2. The victim is 17 years of age or younger, or has a proven mental or physical disability.
3. The victim is in imminent danger of serious injury or death.
4. There is information available which, if provided to the public, could assist in the child's safe recovery.

In addition to the EAS, there are several other resources which can be used in conjunction with the AMBER Alert system. For example, changeable message signs (CMS) located throughout the state along major transportation corridors have proven to be a highly-effective tool in mobilizing public assistance. Other available resources include the Highway Advisory Radio (HAR), Emergency Digital Information System (EDIS), Computer-based Critical Reach System, and the CHP Traffic Incident Media Web Server and internet site. Cell phone AMBER Alerts are also available from various providers.

One of the most important and under publicized facts of the AMBER Alert system is prevention and public awareness. In 2005, representatives from the California Broadcasters Association, specific radio and television stations, local emergency communications committees, and the National Weather Service received Commissioner's Resolutions from Commissioner Brown.



On May 26, 2006, the United States Postal Service unveiled the AMBER Alert commemorative postage stamp. In California, the unveiling included press conferences in Sacramento and Southern California. As part of the unveiling, a press conference was held at a post office in Lancaster, the city where Jackie Marris and Tamara Brooks were abducted in 2002. Their case was the first official use of the AMBER Alert system in California and, to this day, one of the best illustrations of the system's merits. Jacki

Marris was in attendance along with Sharon Brooks (Tamara's mother), and Senator George Runner - the author of the California AMBER Alert legislation. The interest in the stamp reaffirmed the public's support and interest in the AMBER Alert system.

The following is a synopsis of California AMBER Alerts from January 2005 through June 2006. Additional comprehensive program information is available at www.chp.ca.gov.

On **January 7, 2005**, Los Angeles Police Department requested an AMBER Alert for a 2 year old victim abducted from his residence by two strangers. The father recently lost custody of the children and was thought to be involved in the abduction. On January 9, 2005, after seeing the alert information on the local news, the biological father walked into the Los Angeles Police Department with the victim and turned himself in. The victim was turned over to Child Protective Services.

On **January 14, 2005**, Los Angeles Police Department requested an AMBER Alert for a 6 year old victim abducted by force from her elementary school classroom by her biological drug addicted, mentally unstable mother. A Montebello Police Officer located the suspect and victim at a motel in Azusa, CA. The suspect was arrested and the victim safely recovered.

On **January 17, 2005**, Delano Police Department requested an AMBER Alert for an 11 year old victim who was abducted from her elementary school. The suspect threatened family members he was going to take the victim to Mexico to marry her. Santa Maria Police Department responded to an address known to be frequented by the suspect and located the suspect. The suspect was arrested and the victim safely recovered.

On **January 28, 2005**, Contra Costa County Sheriff's Department advised a 5 year old autistic boy abducted by his biological father who was unable to administer required medication to the victim. After seeing the alert information on Changeable Message Signs, the suspect drove into a gas station in Coalinga, CA, and surrendered to Coalinga CHP Officers. The victim was safely recovered.

On **January 30, 2005**, Rialto Police Department advised the 6 year old victim was left unattended in a vehicle which was stolen by an unknown suspect. On January 31, 2005, the victim woke up in the stolen vehicle which was abandoned in Rialto, CA. The victim approached a resident stating she was hungry. The resident notified the Rialto Police Department who safely returned the victim to her family. The suspect is still outstanding.

On **February 24, 2005**, Napa Police Department requested an AMBER Alert for two victims, 12 and 11 years old. The victims were abducted by their mentally unstable mother who vandalized her home, and built 'shrines' for her children which included flowers, the children's personal effects, and photographs of the children with their faces blackened out. On February 24, 2005, one of the victims had been left unattended in a hotel room for several hours, became scared, and telephoned the front desk. Napa Police responded and arrested the suspect when she returned to the hotel. Both children were safely recovered.

On **March 2, 2005**, Sacramento Police Department requested an AMBER Alert for a 3 year old victim who was abducted by a live-in babysitter. The suspect observed the AMBER Alert on television and turned himself in to law enforcement. The victim was safely located.

On **March 2, 2005**, Stockton Police Department was advised a 12 year old victim's parents had returned home and discovered the suspect committing a sexual assault on the victim. The suspect threatened to kill the parents if they called the police and fled with the victim. An AMBER Alert was activated. On March 3, 2005, a citizen observed the suspect and victim in Tracy, CA. The citizen believed they were homeless, and offered to take them to her home for a hot meal. While cooking dinner, she observed the AMBER Alert and called Tracy Police Department who responded and arrested the suspect. The victim was safely returned to her family.

On **April 4, 2005**, Bakersfield Police Department requested an AMBER Alert for two female victims, a 13 year old and a 5 year old, abducted by their father after he assaulted their mother and other family members with a box cutter. A citizen observed the suspect vehicle and recognized it as being wanted as part of the AMBER Alert. The citizen provided the Kern County Sheriff's Department with the information. Deputies located the vehicle, arrested the suspect, and safely recovered the victims.

On **April 23, 2005**, Long Beach Police Department activated an AMBER Alert. The victim's mother was driving with the victim when she stopped to speak with the suspect. The suspect physically forced his way into

the vehicle and ordered the victim's mother to drive away. The victim's mother had a restraining order against the suspect as the suspect had threatened to kill her. The victim and suspect were located a few blocks away and the suspect was taken into custody.

On **July 6, 2005**, San Diego Police Department requested an AMBER Alert for a 2 year old female. The victim's mother parked her vehicle in a parking lot and left the keys in the ignition. The suspect stole the vehicle with the victim inside still belted in her car seat. Approximately an hour later the vehicle was located with the victim seated in her car seat. The suspect is still outstanding.

On **July 23, 2005**, Lyon County, Nevada, Sheriff's Department requested an AMBER Alert for the San Diego region for an 8 year old female. The victim's mother's boyfriend abducted the child, took her clothing, and the family dog. Further, the suspect was determined to be a registered sex offender. The victim was safely recovered in Mexico with the assistance of Mexican authorities.

On **July 28, 2005**, Fontana Police Department requested an AMBER Alert for a 4 year old female. The victim's uncle stated he parked his vehicle in a parking lot and left the keys in the ignition. The suspect stole the vehicle with the victim still inside belted in her seat. Approximately one hour later, the reporting party admitted to lying about his niece being in the vehicle. He falsely reported the abduction in order to get his vehicle back more rapidly, and was subsequently arrested for filing a false report.

On **September 4, 2005**, Fontana Police Department requested an AMBER Alert for a 1 year old male. The victim's mother stopped at a local gas station to put air into her vehicle's tires. She left her infant son inside the vehicle with the engine running. As she was putting air into the tires, she observed an unknown male enter her vehicle and drive off with the victim still inside. Later that evening, a private citizen, who watched the AMBER Alert information on the evening news, observed the vehicle and suspect driving through town. He contacted the Fontana Police Department, who responded and located the vehicle and victim, abandoned in a parking lot of a truck stop. The victim was safely recovered and the suspect is still outstanding.

On **September 6, 2005**, Hemet Police Department requested an AMBER Alert for two male victims, a 6 year old and a 13 year old. The suspect, the biological father, did not have custodial rights. Further, he took two knives with him and threatened to kill the boys then commit suicide. Approximately 6 hours later, the suspect surrendered himself and his two sons to the Hemet Police Department.

On **September 20, 2005**, Los Angeles Sheriff's Department activated an AMBER Alert for a 3 year old male. The victim was abducted by his suicidal biological father. The father/suspect threatened to take his life as well as his son's life. The Los Angeles Sheriff's Department set up surveillance on the suspect's mother's house when he was observed entering her house. The suspect was taken into custody and the victim was returned to his mother.

On **October 1, 2005**, Glendale Police Department requested an AMBER Alert for two female victims, a 5 year old and a 6 year old. The victims were abducted by their biological mother, who did not have custodial rights, and who was described by the Police Department as being abusive. An AMBER Alert was issued in LA County. Having seen the suspect vehicle information on a changeable message sign, a citizen located the vehicle at a laundromat in Pico Rivera, CA. Los Angeles County Sheriff's Department responded, arrested the suspect, and safely recovered the children.

On **October 2, 2005**, a witness saw the license plate of the suspect vehicle on the changeable message signs, then saw the suspect vehicle at a laundromat in Pico Rivera, CA. The suspect was taken into custody and the children were safely recovered and returned to their grandmother.

On **October 2, 2005**, Los Angeles Sheriff's Department activated an AMBER Alert for an 11 year old female. The victim's biological father abducted the victim and her mother at gun point and forced them into his vehicle. On October 3, 2005, the suspect's vehicle was located in a hotel parking lot in Whittier, CA. The Los Angeles Sheriff's Department conducted surveillance at the hotel, located and took the suspect into custody, and safely recovered the victim.

On **November, 14, 2005**, the Oregon State Police (OSP) issued an AMBER Alert on behalf of the Hillsboro, OR, Police Department. The AMBER Alert was for a 4 year old male victim that was taken by force from his mother at a bus stop. It was believed the suspects were en route to Southern, CA. OSP requested the CHP to issue an AMBER Alert in CA. On November 15, 2005, the suspect vehicle was located by citizens who saw the suspect vehicle information broadcast on the freeway Changeable Message Signs. CHP Redding Area officers located the child victim.

On **April 10, 2006**, San Bernardino County Sheriff's Department requested an AMBER Alert for a 17 month old boy and a 3 year old girl abducted from their mother. The father of one of the victims shot the mother, and then abducted the children. Shortly after the AMBER Alert was issued, the children were safely recovered at their grandmother's residence.

On **May 13, 2006**, Stockton Police Department requested an AMBER Alert for a 16 year old female abducted during a home invasion robbery. A multi-regional AMBER Alert was issued. As a result of activating the changeable message signs, the victim was safely recovered and the two suspects were arrested by the CHP near Bakersfield, CA.

On **May 19, 2006**, the San Bernardino County Sheriff's Department requested assistance with issuing an AMBER Alert for an 18 month old boy who was abducted with his aunt (who was the suspect's estranged wife). The suspect was still outstanding and wanted for the incident involving the AMBER Alert that was issued on April 10, 2006. The 18 month old child was safely recovered; however, the child's aunt was found murdered. On May 20, 2006, the suspect was found deceased, due to an apparent self-inflicted gunshot wound.

On **May 31, 2006**, Corona Police Department requested an AMBER Alert for a 10 month old girl, who was abducted from her home along with her mother, by the victim's biological father. An AMBER Alert was issued in Los Angeles, Ventura, Riverside and San Bernardino Counties. In anticipation of the suspect going to a residence, Los Angeles Police Department was able to take the suspect into custody and both victims were recovered safely.

On **June 11, 2006**, San Diego Police Department requested an AMBER Alert for a 19 month old girl who was abducted by her mother's estranged husband, not her biological father. The victim was seen being abducted from her residence by the suspect where her mother was found murdered a day later. A multi-regional AMBER Alert was issued. The mother of the suspect safely recovered the victim in Mexico and turned her over to the Mexican Authorities and the FBI. The suspect was still outstanding at the time of the recovery.

- **Victim Witness Compensation Program:** A legislative change has added parental child abduction to the crimes covered by the state victim compensation fund. Many of the advocates do not remember this change due to lack of training. It was troubling to find out how few victims apply for this benefit and most troubling was the record of incorrect denials. Therefore, training by one of our Task Force members, an expert in this field, was instituted for new advocates. Additionally, the Task Force will develop a Victim-Witness Resource Guide/Brochure dealing with child abduction issues.

If a child has been abducted for longer than 30 days, certain family members may apply to the Victim Witness Compensation Board for assistance. Members of the Task Force determined victims of parental child abductions were not submitting compensation claims with the Victim Witness Compensation Board for reimbursement of counseling or other monetary losses. A pamphlet was created at the suggestion of the Task Force addressing compensation to victims of parental abduction.

Furthermore, members of the Task Force determined prosecutors must be apprised of the fact left-behind parents and certain family members may make claims against this fund. To address this, a member of the Task Force incorporated information about the child abduction reimbursement requirements into the victim advocates' training curriculum.

- **District Attorney Child Abduction Funding Reinstatement:** Members of the Task Force successfully lobbied for the reinstatement of funding for district attorneys' child abduction units throughout the state. Although state law mandates prosecutors locate and recover children who have been abducted to or from California, the county prosecutors were not reimbursed by the state. Since the counties will be reimbursed for such work, it is hoped all counties will have staff trained and prepared to handle child abduction cases, especially since many district attorneys' offices either drastically reduced child abduction staff or eliminated the child abduction units entirely as a result of the state's reimbursement delays.
- **California Family Code Section 3048** (see Appendix A). This statute requires family court judges in custody cases to assess whether there is a risk of parental kidnapping, and provides a checklist of risk factors to be considered. If a risk of parental kidnapping is found, the statute provides a list of measures which can be taken in an effort to deter or prevent abduction. This statute may be the only child abduction prevention statute of its kind in the country. The Task Force Chair was asked to review a proposed Uniform Child Abduction Prevention Act which was, in part, based upon the California Family Code section 3048.

The Task Force succeeded in fully accomplishing some of its previous goals and continues to actively pursue ongoing work and develop new projects. Some of these projects are:

- **Child Abduction and Risk Assessment Checklist for First Responders:** The Task Force created the *Child Abduction Law Enforcement Field Packet*, which includes a

Child Abduction and Risk Assessment Checklist for use in the field by first responders to child abductions. It is designed to provide patrol officers, dispatchers, and other first responders with a tool to assist them in making an initial assessment of the inherent risks to the child - including the risk of injury or death, or of being transported outside California and/or the United States. It also includes the Child Abduction First Responding Officer Checklist - a basic guide to assist in the gathering of relevant data during the initial contact with the reporting party. Since December 2001, these checklists have been disseminated at the *Child Abduction Intervention and Resource Training* sessions. The checklists are available online on our website and through the California Attorney General's website at: <http://justice.hdcdojnet.state.ca.us/clew> (California Law Enforcement Web). The funds used for the creation of the checklists were made available through federal Children's Justice Act funds.

- **Child Abduction Prevention Program:** Funding for *California Child Abduction and Abuse Prevention Program* was cut from the budget in 2002. However, the two regional prevention projects have managed to sustain limited service delivery across the state through minimal funds raised independently within each agency. Thus, collaboration with OES, the Child Abduction Task Force, law enforcement agencies, schools and community organizations are maintained in anticipation of future economic recovery.

In 2006 funding for OES's Child Abuse and Abduction Prevention Education Program was secured through Senate Bill (SB) 1128, authored by Senator Elaine Alquist and signed into law in September 2006. SB 1128 provided for revision of California's sexual predator laws, including sentencing for perpetrators and monitoring of repeat offenders. Since there is a high rate of sexual abuse of missing/abducted children and a great need for proactive education to help promote the safety of children, an appropriation for the Child Abuse and Abduction Prevention and Education Program was included in SB 1128. However, legislative and budget item changes in 2008 resulted in the funds being made available for only one year.

Through utilization of OES' *SafetySaurus* child abduction prevention education materials, the prevention programs' appropriation supported school-based training for thousands of kindergarten through sixth grade students, parents, and service providers over the year. In addition to the delivery of prevention education services for a vast and varied service population, the appropriation permitted programs to reach a broader geographic area and participation in community outreach/public safety events throughout the state. The program provided technical assistance and child safety materials through partnerships with law enforcement, schools, and community based organizations throughout California to assist counties in their efforts to protect children from predators.

Should funding become available in the future, child abduction education will help correct misconceptions about the nature and extent of child abduction and will enhance awareness of the very real dangers faced by abducted children—regardless of the relationship of the abductor to the child. Funding will bring trained staff and volunteers into classrooms, solidify long-term cooperative relationships with schools,

increase public awareness and education, and enhance collaborative community and statewide efforts to reduce the number of children abducted and increase the number of children recovered.

ONGOING WORK

Regional Training: The Task Force continues to conduct two-day Child Abduction Intervention and Resource Training sessions throughout California. The trainings are designed to provide a multi-disciplinary audience of first responders to child abductions with information on resources available in California to assist them when a child is abducted and/or recovered. The presenters are members of the Task Force who provide information about the assistance which can be provided by federal, state, and city/county local law enforcement agencies, and by child protective services agencies and non-profit missing children agencies. The trainings have been well attended, each one drawing an audience of 120-180 attendees. Nineteen training sessions have been conducted to date. The Task Force regularly evaluates and refines the trainings and will incorporate different components based on feedback received from the participants.

Law Enforcement Post Training: A member of the Task Force from the San Diego County Sheriff's Department is working with the California Commission on Police Officer Standards and Training (POST) on a training scenario for missing persons; once the training video is complete, it will become part of the curriculum of the police academies and available to law enforcement agencies for training purposes.

Regional Child Abduction Response Teams Training: Regional Child Abduction Response Teams (CART) are being formed nationwide to respond quickly to incidents of missing and abducted children. These consist of law enforcement investigators, AMBER Alert co-coordinators, policy makers, search and rescue professionals, crime intelligence analysts, victim service providers, and other inter-agency resources. The Task Force has incorporated a component on CART into its two-day trainings.

Interfacing between Law Enforcement and Child Protective Services: The Task Force identified the need to develop a protocol to identify ways these two entities can better and more successfully interface with each other. A sub-committee of the two entities has been formed to study this problem and achieve solutions.

Child Identification Kits: The two missing children non-profit agency representatives on the Task Force developed and distributed child identification kits.

Funding For Child Abduction Units: Several Task Force members traveled to Sacramento in order to testify on the importance of maintaining a Child Abduction Unit within the district attorney offices. Funding was reinstated..

Proclamation of Missing Children's Day: The Task Force urged Governor Arnold Schwarzenegger to proclaim *Missing Children's Day* to be observed on May 25, 2006. The Vanished Children's Alliance and San Jose Police Department held a joint press conference on Wednesday, May 25th, 2005 to recognize *National Missing Children's Day* and raise awareness about the serious issue of missing and abducted children. Speakers included: San Jose Chief of Police, Robert Davis; Executive Director and Founder of the

Vanished Children's Alliance, Georgia K. Hilgeman-Hammond; San Jose Police Officer, Brian Spears; and Santee Elementary Counselor, Misty Batch.

Identification of Proven and Effective Resources: The Task Force has and will continue to work on the identification of resources which will help service providers in their efforts to prevent, locate, and reunify abducted children.

SB 1128 Funding: This act creates licensing standards for prescribing psychologists. Individuals who are licensed psychologists and certified health service providers are eligible to be licensed as prescribing psychologists. Licensed prescribing psychologists shall be authorized to prescribe drugs and psychotropic medicines rationally related to the practice of psychology, or psychological treatment or laboratory testing. Licensed prescribing psychologists must complete one year of supervision and 300 hours of didactical instruction as recommended by the American Psychological Association, and pass a national exam similar to the exam given by the American Psychological Association Practice Organization's College of Professional Psychology or the International College of Prescribing Psychologists Examination with passage rates based on recommendations from the committee. The Division of Professional Registration may impose additional requirements by rule based on current educational guidelines stated in the American Psychological Association's publication of Recommended Postdoctoral Training in Psychopharmacology for Prescription Privileges.

United States Department of State: Provided training and technical assistance to the United States Department of State to assist in proper handling of international child abduction matters involving children from California.

First Responder Checklists: The Task Force has a First Responder Checklist for Law Enforcement included in the two-day training materials. A representative from CPS and from one of the missing children's non profit agencies are developing checklists to be included in the training materials.

Increase Awareness in Education: The Task Force has created a sub-committee to deal with the issue of increasing the awareness within the educational system on identifying and reporting suspected child abduction. One of the representatives from a missing children's non-profit agency has a PowerPoint presentation on the role of schools in missing and abducted children cases. This could be utilized as part of a program to educate the school systems.

FUTURE DIRECTION

Minimum Standards for Child Abduction Protocols: One of the critical issues identified by the Task Force is a lack of multi-disciplinary written protocols for handling child abductions. Since California's 58 counties vary dramatically in size and character - and the agencies initially responding to child abductions are usually local - the Task Force recognized it would not be possible to create a model child abduction protocol suitable for use in every county; therefore, each county would need to develop its own practices and protocol.

To promote and aid each county's development of such a protocol, the Task Force developed surveys to ascertain the current, existing or non-existing protocols by each county. Surveys were developed and distributed in all 58 counties to: district attorneys offices, non-profit agencies for missing children, child protective services agencies, local law enforcement agencies, and county counsel offices affiliated with the dependency court for child protective services, to survey each of their respective disciplines. After the Task Force reviewed the responses to the surveys, the sub-committee determined developing Minimum Standards for every county in California would not be appropriate. Each county in California has unique needs and the manner in which the above agencies interact is very different from county to county. Additionally, it would be necessary to obtain the 'buy-in' of the top officials and directors in each agency, yet they would not be the persons directly responsible for carrying out the protocols. It was determined a more appropriate and realistic approach would be for each of the Task Force presenters to demonstrate to the training attendees, how a multi-disciplinary approach would work between their agency and the other agencies on the Task Force, which are representative of the types of agencies in each community. If the attendees are presented with the idea of the multi-disciplinary approach and offered tools which could be modified depending on their county, and each of the presenters would be available for consultation on how to be most effective, this would result in a more effective model for multi-disciplinary teams tailored to the needs of the counties throughout the state.

A CALL TO ACTION

For nearly 30 years, California's system for handling intrastate, interstate, and international child abductions has served as a model for the rest of the country. The pivotal element of California's system has been the statutory scheme requiring district attorneys to "take all actions necessary" to locate and return abducted children. District attorneys created child abduction units or designated personnel within each county office to specifically work on child abduction cases having a connection to their jurisdiction.

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) contains a provision based on California's model and many states have implemented this provision, as outlined below:

California's innovative approach to custodial interference and abduction cases is now being more widely implemented. The Uniform Child Custody Jurisdiction and Enforcement Act...includes several sections modeled on California law giving prosecutors and law enforcement in States adopting the Act new flexibility and additional civil tools to help find and recover abducted children. (Janet Chiancone, Linda Girdner, & Patricia Hoff, Issues in Resolving Cases of International Child Abduction by Parents, Juvenile Justice Bulletin, December 2001, p.12.)

In a recommendation for improving the criminal justice system's response to family abductions nationwide, a Juvenile Justice Bulletin specifically cites California Family Code Sections 3130-3134.5 (see Appendix A) and recommends other states:

...enact State statutes modeled after California's law and the Uniform Child Custody Jurisdiction and Enforcement Act that authorize

prosecutors to investigate and prosecute custodial interference complaints, including filing pleadings in civil or family court proceedings necessary for the abducted child's recovery. (The Criminal Justice System's Response to Parental Abduction, Juvenile Justice Bulletin, December 2001)

California has also been a leader in resolving international family abduction cases due to its effective implementation of an international treaty, *The Hague Convention on the Civil Aspects of International Child Abduction*, designed to secure the prompt return to the countries of residence of children who have been parentally abducted across international borders. Its success in the international arena has been dependent upon the leadership provided by the California Attorney General's Office and the district attorney child abduction units' active involvement in these cases. In March 2001, California's leading role was recognized by the United States Department of State. The California Attorney General's Office was a member of the United States delegation to a Special Commission Meeting which reviewed the operation of *The Hague Convention on the Civil Aspects of International Parental Child Abduction*.

While the State of California had successfully instituted the AMBER Alert System, state funds have been drastically cut for the reimbursement to district attorneys' child abduction units for their work in fulfilling mandates to take actions necessary to locate and recover abducted children pursuant to California Family Code Sections 3130 et seq. for several years. For Fiscal Year (FY) 2000-2001, the state reimbursed the counties a total of \$13.58 million under the child abduction mandate. For three FYs thereafter, only \$1,000 per district attorney office was appropriated in the state budget for this mandate. Anticipating reimbursement would continue to be indefinitely deferred, many counties curtailed the level of service provided by their child abduction units. Fortunately funding is being reinstated.

Statewide statistics for missing and abducted children are a sad reminder of the continuing need to provide children and their parents with accurate information and practical skills to help prevent this traumatic crime. One of the most effective ways to teach these skills is through direct interaction with children and adults by trained program staff and volunteers. Continued funding in this area will help to solidify the long-term cooperative relationships with schools previously served by the prevention programs, increase public awareness and education, enhance collaborative community and statewide efforts to reduce the incidence of child abduction, and secure the return of those children who remain missing.

Funds for child abduction mandates and child abduction prevention programs are essential in order to recover abducted children. Following are some of the topics where funding is needed in order to maintain key personnel properly trained and develop programs:

- Continue funding for district attorney child abduction units;
- Reinstate of funding to train district attorney child abduction unit personnel;

- Provide additional training for local law enforcement officers in family and non-family abductions;
- Train law enforcement on National Crime Information Center (NCIC) requirements;
- Make enhancements to the California Commission on Police Officers Standards and Training (POST) on abducted children;
- Introduce legislation/state budget item to provide funding for implementation of the child abuse and abduction prevention training programs and materials;
- Produce, disseminate, and process of child identification kits;
- Promote a multi-disciplinary approach in child abduction cases;
- Identify the roles and responsibilities of law enforcement, district attorneys, and child protective services as they relate to joint cases;
- Continue and enhance the two-day Child Abduction Intervention and Resource Training statewide;
- Identify proven and effective resources on an ongoing basis;
- Obtain *Missing Children's Day Proclamations*;
- Develop and disseminate checklists for various disciplines consisting of suggestions on how each discipline might intervene in child abuse cases; and
- Promote the utilization of victim compensation while also improving the qualification requirement for child abduction victims and their families.

Due to the expertise developed in this state during three decades of ground-breaking child abduction work and, in light of the resources provided by the state to support this work, California has witnessed great success in recovering children abducted by family and non-family members. The great progress California has made in developing and maintaining an effective system for handling child abduction cases must not be abandoned. Continuing funding of the district attorneys' child abduction units and the child abduction prevention projects is an absolute essential. The safety of California's children depends on it.

CHILD ABDUCTION FACTS

Law enforcement, therapists, and other professionals in the field of child abduction are hindered by the limited availability of current research and statistics regarding child abduction in the United States. The most recent comprehensive study on the national incidence of missing, abducted, runaway, and throwaway youth was published by The United States Department of Justice in 2002.

The *National Incidence Study of Missing, Abducted, Runaway, and Thrownaway Children* (NISMART 2 II) Report used 1999 estimates of abducted children as its basis for reporting incident rates. Data was collected from six sources: household survey, juvenile facilities survey, returned runaway study, police records study, FBI data re-analysis, and community professionals study. Since different methodologies were used, the results of this study cannot be compared to the results of an earlier study known as NISMART 1 I, described in the previous editions of the *California Child Abduction Task Force Summary Report*.

A primary NISMART 2 II study objective was to estimate the incidence of children abducted by family and non-family members. The study defined family abduction as a situation in which a family member or person with a right of custody takes a child in violation of a custody agreement or decree, or fails to return a child at the end of a legal or agreed-upon visit, with the child being away at least overnight.

The study defined non-family abduction as a situation in which a person without a right of custody coerces and, without authority, takes a child into a building or a vehicle for a distance of more than 20 feet.

Highlighted below are relevant facts about family and non-family abductions according to the NISMART 2 II study:

Family Abduction Facts (as defined by the NISMART 2 II study)

- An estimated 203,900 cases of family abductions occur annually in the United States.
- Forty-three percent of the children who were victims of family abduction were not considered missing by their caretakers since the caretakers knew the children's whereabouts or were not alarmed by the circumstances.
- Forty-four percent of family abducted children were younger than age six.
- Fifty-three percent of family abducted children were abducted by their biological father, and twenty-five percent were abducted by their biological mother.
- Forty-six percent of family abducted children were gone less than one week, and twenty-one percent were gone one month or more.
- Only six percent of children abducted by a family member had not yet returned at the time of the survey interview.
- Child victims of family abduction have had their names and appearances altered, experienced medical or physical neglect, and were subjected to homelessness, frequent moves, and unstable schooling.
- Children were often told lies about the abduction and the left-behind parent. Sometimes they were told the left-behind parent was dead. The children often become psychologically and emotionally distressed.

- Long-term effects vary based on the degree of trauma involved in the abduction, the resiliency of the child, and whether follow-up support was provided to help the child process the events of the abduction.

Non-Family Abduction Facts (as defined by the NISMART 2 II study)

- An estimated 58,200 non-family abductions occur annually in the United States with an estimated 115 being stereotypical kidnappings.
- Stereotypical kidnapping is defined as a non-family abduction perpetrated by a slight acquaintance or stranger in which a child is detained overnight, transported at least 50 miles, held for ransom, abducted with intent to keep the child permanently, or murdered.
- In forty percent of stereotypical kidnappings, the child was killed; in four percent, the child was not recovered.
- The most common victims are adolescent girls ages 11-14, and boys ages 6-9.
- Fifty-seven percent of children abducted by a non-family member were missing from caretakers for at least one hour; police were contacted to help locate twenty-one percent of the abducted children.
- Teenagers were by far the most frequent victims of both stereotypical kidnappings and non-family abductions.
- Nearly half of all child victims of stereotypical kidnappings and non-family abductions were sexually assaulted by the perpetrator.

2007 California Statistics (as defined by Department of Justice)

- An estimated 1,478 cases of family abductions occur annually in California.
- An estimated 53 cases of non-family abductions occur annually in California.
- An estimated 394 cases of suspicious circumstances occur annually in California.
- An estimated 4,532 cases of unknown circumstances occur annually in California.
- An estimated 109,731 cases of runaway occur annually in California.
- An estimated 277 cases of lost occur annually in California.
- Of the 116,475 missing children in California, 49,743 were males; 66,732 were females; 74,972 returned on their own; 22,459 were located by law enforcement; 62 were found deceased; 2,915 were arrested; 123 were emancipated; 97 were voluntarily missing; 648 were withdrawn (i.e., report filed in error or reporting party withdrew report); 6,068 were listed as other (i.e., canceled for reasons other than listed above); and 160 were listed as unknown (i.e., the circumstances why the case was canceled are unknown).

THE IMPACT OF CHILD ABDUCTION

Child Abduction is Child Abuse

In each case of abduction, the child, the family, and the community are irrevocably changed by the tragedy of this form of child abuse. The Task Force views both family and non-family abductions as forms of child abuse. While the psychological trauma inflicted upon a child abducted by a non-family member is commonly acknowledged, abduction by a parent or other family member has long been minimized as having few serious consequences because the child knows the abductor. However, children who are abducted, whether by a family member or by a person unknown to the child, suffer serious psychological and emotional trauma.

An abducted child suffers rejection when the abductor tells the child his/her parent no longer loves or wants him/her, or tells the child the parent is dead. The child suffers isolation when separated from parents, family, and friends and is moved from place to place. An abductor often terrorizes the child when forcing the child into hiding, threatening the child with the fear if discovered, the child will be killed. An abductor may neglect the child by denying proper nutrition, shelter, medical or dental care, clothing, and education. The child is harmed by an abductor who forces him/her to lie, live with a changed name and identity, and deceive authority figures. Children suffer from alienation when their feelings are programmed to be all positive toward the abductor and all negative toward the left-behind parent(s) or other family members.

The motivating factors underlying family and non-family abductions may be quite different. Social deviancy, the need for power, and sexual arousal motivate the majority of “stranger” abductors. Receiving the most media coverage, these cases often end with the murder of the child. Media coverage is essential to recovery in these cases; when homicides occur in these cases, they usually occur within a few hours of the abduction. Due to media attention, the psychological consequences of non-family child abduction can extend far beyond the victim and family to children and adults far removed from the actual crime. The case of Polly Klass is a perfect example as parents, teachers, and counselors can attest. School children across the country were not only concerned about Polly, but were terrorized by the prospect they too could be abducted. The consequences of the emotional stress and fear stay with children for long periods, sometimes indefinitely.

Family abductions are usually motivated by one parent’s anger and desire for revenge and power over the other parent. This type of abduction typically occurs when either dispute over custody of a child cannot be satisfactorily resolved. Children in this situation struggle with difficult feelings towards both parents including fear, guilt, shame, confusion, and divided loyalty. Many of these children are further traumatized when they are forced into living like fugitives and/or are plunged into poverty, instability, and a life of deprivation and neglect.

Even when children are recovered and reunited with their family, the trauma does not cease. Long-lasting effects include fearfulness and anxiety, fear of public places, fear of being around strangers, nightmares, poor concentration, underachievement in school, and mistrust of even familiar adults and family members. Children may stop growing emotionally, socially, and academically, and may also experience regressive behaviors.

The California State Legislature acknowledged abducted children suffer trauma; therefore, extended Victim Compensation Program benefits are available to children who have experienced family or non-family abductions.

CHILD ABDUCTION HURTS MANY PEOPLE

Real life stories emphasize the seriousness of child abduction incidents. The following are true cases of child abductions and are a testament to the emotional impact child abduction has on many parties, including the responding law enforcement agency:

CASE ONE

An example of the coordination between the various agencies involved in a family abduction case is best shown in the following real case scenario. In 1998, an eight year old boy was abducted from his mother, who lived with him in New York. The mother opened a case with Vanished Children's Alliance. The organization received information the father of the child had filed for a driver's license in Santa Clara County, California. The Santa Clara County District Attorney's (SCCDA) Child Abduction Unit was contacted and received information about the case from the New York agency handling the matter. The SCCDA Child Abduction Unit investigator determined the child's uncle had filed for the drivers license using the father's name, but the father and child were not residing in the county. She tracked the case to Southern California and sought assistance from a Task Force member who is assigned to the Federal Bureau of Investigation, Crimes Against Children Unit in Los Angeles. In order to expedite the search, officials obtained an age-progression of the child's photograph from the National Center on Missing and Exploited Children (NCMEC). At one point, a school official in San Jose, California, reported she had seen the child who was the subject of the California Department of Justice Missing Person Unit's bulletin, but although the age-progression photo almost matched the photo of the missing child, it was not him. Despite all efforts, the investigators were about six months behind the father and his son.

NCMEC took the age-progressed photo of the missing child and widely disseminated it throughout Southern California.

Three Task Force members serve as faculty for a national training series having a goal to encourage prosecutors throughout the United States to locate and recover parentally abducted children using the public enforcement provisions of the Uniform Child Custody Jurisdiction and Enforcement Act, based partly on a system operating in California for almost twenty years. In the audience was a prosecutor from another state who had never received a parental kidnapping case and did not believe these occurred with frequency in her state. Two weeks after the seminar she contacted the Task Force members for help on her cases: two international cases and one domestic case.

One Task Force member assisted her on the domestic case by providing forms and other advice. She later learned the child was successfully recovered and returned to his mother. Only later did she learn the child was the very same missing child she had attempted to find in her state. She learned when Southern California was plastered with age-progressed photographs of the missing child, his father removed him to another state where he was eventually located and reunited with his mother.

CASE TWO

San Diego County authorities recovered a child from St. Louis, Missouri, thanks to a day care provider, a diligent district attorney investigator, and the resources of the National Center for Missing and Exploited Children. The abductor/father, Rohn Lockhardt, initially had been awarded custody of his daughter and the child's mother had been granted visitation. In June 2001, Mr. Lockhardt decided to leave with his daughter, telling the minor's attorney he would not be returning the child. In subsequent court proceedings, the mother obtained full custody of her daughter and an investigation into the child's whereabouts ensued. District Attorney Investigator, Charlie Inot, was assigned the case. He had been receiving reports about the father's dangerous behavior and previous threats of violence. He worked hard to find the child and followed every lead, but all leads were eventually exhausted.

On March 6, 2003, Investigator Inot received a phone call from a daycare worker in St. Louis, Missouri. The worker told him a gentleman by the name of Rohn Lockhardt had come to the school to register his daughter. He was vague in some of his responses to questions about the history of the child and the location of the mother. After he left the school, the daycare worker was concerned about the father's behavior. Using her computer, she found the National Center for Missing and Exploited Children's website; entering the child's name, a poster with the pictures of both the child and father came up. She immediately called Investigator Inot with the information and he began making arrangements for the recovery of the child and the arrest of the father. The arrest and recovery were made; the mother flew to St. Louis and successfully reunified with her daughter.

Not all cases of abducted children end in success. For the families of abducted children who never see their sons or daughters again, they will always wonder if their children are alive or dead, cared for or abused, leading a semi-normal life or one of enslavement to further abuse and degradation.

SIGNIFICANT CONCERNS ABOUT CHILD ABDUCTION

The California Child Abduction Task Force identified common misconceptions and problematic issues related to child abduction. The following significant concerns are highlighted:

- Child abduction is not uniformly considered to include both family and non-family abductions.
- Child abduction by a family member is often perceived by law enforcement to present minimal risks to the child since the abducted child is often with a family member.
- Family child abduction cases present a high potential for physical injury and emotional trauma to the child, and are often considered to be civil cases when these should often be considered criminal cases.

- There are cases of homicide, suicide, and sexual assault, which began as child abductions, but were never recognized as cases of abduction and, consequently, were not reported or report not accepted as such.
- Current statistics do not adequately reflect the number of child abduction cases since incidents are often reported as “other types of crimes” not entered by law enforcement agencies, or are recorded as only “missing child” reports.
- Law enforcement response time for family-related child abduction is generally given a lower priority when compared to the higher priority given to a non-family abduction.
- There are no standardized law enforcement guidelines including an objective assessment of the risk to the child, whether the abduction is by a family or non-family abductor.
- The serious emotional and/or physical trauma of child abduction is often minimized and not viewed as child abuse.
- Family abduction cases are rarely prosecuted.
- Typically in family abduction cases the left-behind parent is considered the crime victim not the child (violation of parent’s child custody right).
- Criminal sentencing often does not reflect the seriousness of the crime of family abduction.
- Since there are no standardized approaches or “best practices” there is no uniformity as to how law enforcement should respond, or for district attorneys to prosecute child abduction cases.
- There is no statewide child custody registry.
- There is a need for an ongoing multi-disciplinary Task Force to address the prevention, education, location, recovery, and reunification of abducted children.

Recognition of the above concerns led the Task Force to identify specific issues, recommendations, and action plans. Following is a summary of these topics:

ISSUE #1: UNIFORM DEFINITIONS

A lack of uniform definitions relating to child abductions results in:

- inaccurate and underreported child abductions; and
- inappropriate criminal justice response to child abduction.

ISSUE #1A: FAMILY ABDUCTION IS NOT PROPERLY DEFINED AS CHILD ABDUCTION

Child abduction is not uniformly considered to include both family and non-family abductions.

RECOMMENDATION

Include non-family abduction and family abduction and concealment in the definition of “child abduction” for NCIC reporting purposes. These abductions require a prompt assessment by law enforcement of the potential for harm to the missing child, as well as recognition of the potential for long-term emotional and psychological trauma.

Child abduction generally occurs when a child is taken, enticed away, kept, withheld, concealed, detained, arrested by means of force or fear, and carried into another country, state, county, or another part of the same county.

A family abduction is carried out by a person in a close (familial) relationship to the child, inclusive of a biological and/or legal parent, or other individual with a right of custody over the child. All other abductions are considered non-family abductions.

Criminal statutes define child abduction. In California, the family abduction provisions are set forth in California Penal Code Sections 277 through 280 (see Appendix B).

RESULTS

Task Force trainings have educated law enforcement officers around the state about the requirement they take reports of family abductions, as well as non-family abductions and *immediately* enter the names of the abducted child/ren into NCIC. There is an ongoing need to continue to educate law enforcement officers about this requirement to ensure it is consistently met.

ISSUE #2: THE PERCEPTION THAT FAMILY ABDUCTIONS ARE NOT SERIOUS OFTEN RESULTS IN A FAILURE TO RESPOND URGENTLY AND APPROPRIATELY

Family abductions are usually considered less urgent than non-family abductions by first responders.

RECOMMENDATION

Each case of child abduction must be immediately evaluated with the same standards for potential risk, danger, and harm to the child regardless whether the perpetrator is a family or non-family member.

RESULTS

The Task Force developed the *Child Abduction Law Enforcement Field Packet*, which includes the *Child Abduction and Risk of Danger to Child Assessment Checklist*, and *Child Abduction First Responding Officer Checklist*. These are

uniform evaluation instruments to be used statewide to assist first responders in making an initial assessment of whether an abducted child may be at risk of injury, death, or of being abducted to another country. The checklists are included in the Child Abduction Intervention and Resource Training materials for dissemination among training participants. Instructions on using the checklist shall be incorporated into the Law Enforcement Response presentation at the trainings.

In addition, through its trainings, the Task Force educates first responders throughout the State of California on the inherent harm done to abducted children and left-behind parents in family abduction cases, on the potential for danger to children in these cases, and on the need to view child abduction cases as serious unless and until it can be determined an abducted child is not in imminent risk of harm.

ISSUE #3: A COHESIVE, CONSISTENT, AND EFFICIENT MULTI-JURISDICTIONAL RESPONSE SYSTEM TO CHILD ABDUCTION CASES IS NEEDED

Since child abductions frequently involve multiple law enforcement jurisdictions across local, state, national or international boundaries, a need exists to enhance the capacity for an expeditious, collaborative multi-jurisdictional response by the professional system dealing with these crimes.

ISSUE #3A: LACK OF STATEWIDE CHILD CUSTODY ORDER REGISTRY

California lacks a child custody order registry database. Since the custodial parent and the family abductor frequently live in different jurisdictions, a central registry is needed to document custody orders and make the information available to law enforcement. Even within a jurisdiction, law enforcement officers are not able to verify a court order when attempting to resolve a child custody dispute on the weekend or after the court's regular business hours.

RECOMMENDATION

Include child custody orders in the existing domestic violence registry, or establish a statewide child support registry, and make this information accessible to law enforcement.

RESULTS

California's children deserve a statewide custody order registry which law enforcement agencies can access around the clock in order to review and verify the information which can be readily accessible to law enforcement agencies. It is recognized such a registry will require the development of a uniform custody order and a system for inputting the data and keeping it up-to-date. Such a registry should include orders in family law divorce/separation cases and in confidential paternity cases.

ISSUE #3B: THERE ARE NO POLICIES OR GUIDELINES TO CLARIFY JURISDICTIONAL ISSUES

Local law enforcement does not have clearly stated guidelines to resolve jurisdictional issues in family abduction cases. Often, multiple agencies in different jurisdictions are involved which results in confusion, lost time, and wasted resources.

RECOMMENDATION

Promote legislation to amend California Penal Code Section 784.5 and 279 et seq. (see Appendix B) to clarify which organization has jurisdiction to investigate, prosecute, and use civil laws to resolve parental kidnapping cases.

RESULTS

California lacks legislation clearly delineating the principal county which is to investigate, prosecute, and utilize civil legal tools to resolve parental kidnapping cases where multiple jurisdictions are involved. District attorneys' child abduction units have worked to agree between offices which county will handle the case. However, due to funding shortages for child abduction units, many counties have closed their child abduction units or reduced staffing so severely, victims often travel to larger counties with active and fully staffed units. This results in disproportionately leaning on the resources of the larger counties; such a leaning continues as a direct result of the lack of specificity in the codes which dictate that jurisdiction to handle these cases lies in the county where the victimized person resides, or where the person deprived of custody is located, or where the child is subsequently found. (California Penal Code sections 279 and 784.5 – see Appendix.)

ISSUE #3C: CONFUSION REGARDING CONFIDENTIALITY LAWS

Federal and state confidentiality laws prevent the sharing of information between law enforcement agencies, social service agencies, and schools and thus delays the recovery of abducted children.

RECOMMENDATION

Identify and modify federal and state confidentiality laws which create obstacles to the sharing of information to allow law enforcement personnel immediate access to critical information, which would assist in assessing the risks, locating, and recovering missing children.

RESULTS

The Task Force determined the enactment of specific California statutes have helped to ameliorate the obstacle of the sharing of information amongst agencies responding and working on child abductions.

Statutes which allow district attorney's child abduction unit personnel access to confidential public records for the purpose of locating abducted children have been identified:

- California Family Code Section 17505, which reads “All state, county, and local agencies shall cooperate with the district attorney concerning the location, seizure, and recovery of abducted, concealed, or detained children.”
- California Public Utilities Code Section 588 authorizes district attorney investigators to access “telephone, gas, and electric public utilities’ customer information.” This information is limited to full name, date of birth, social security number, address, previous address, forwarding address, place of employment, and date of service instituted, terminated, or suspended by utility customers to the extent the information is stored within the utility records and computer data bases.”
- California Education Code Sections 49068.5 through 49068.6 address the requirements for schools, upon a transfer of a new student, to check to see if the child is listed as missing child on the bulletins provided by the California Department of Justice.
- California Penal Code 17212 states the legislature’s intent to ensure the confidentiality of support enforcement and child abduction records, and to encourage the full and frank disclosure of the location of absent parents, and the location of parents and children abducted, concealed, or detained by them.

ISSUE #4: REFORM, REVISION, AND IMPLEMENTATION OF CHILD ABDUCTION LAWS ARE NEEDED

ISSUE #4A: UNIFORM VICTIM COMPENSATION ELIGIBILITY FOR ABDUCTED CHILDREN

Child abduction victims and their families often need victim compensation for therapy, loss of wages, burial expenses, and more.

RECOMMENDATION

There is confusion about eligibility for the Victim Compensation Program benefits in child abduction cases. Many families fail to apply for these benefits or they do not receive deserved benefits due to erroneous interpretations of the eligibility criteria by victim assistance center staff. In some instances, it may not be clear an abduction actually occurred (e.g., when there are no witnesses to the abduction, or when the child is a considered runaway), a family abduction case may not have lasted over thirty days, or it may be difficult to establish actual physical or emotional harm once the child is returned.

RESULTS

Members of the Task Force participated in the development of proposed legislation ultimately chaptered as California Government Code Section 13955 (see Appendix E), providing the eligibility criteria for victim compensation.

The Victim Compensation Program has brochures explaining, in general, who is eligible. The brochure lists some of the covered crimes including kidnapping, but not child abduction. A Task Force member with expertise in victim compensation drafted an

informational sheet which mentions the benefits available specifically to child abduction victims and their families.

The Task Force brought problem cases where eligible child abduction cases were denied victim compensation services to the attention of two state agencies: Governor's Office of Emergency Services and Victim Compensation and Government Claims Board. Executive staff from both agencies met with the Task Force to discuss improving Victim Witness advocates' training to include victim compensation information specific to child abduction cases. As a result of this meeting, a 90-minute child abduction segment was added to the entry-level victim advocate training. Specific child abduction scenarios were used to identify and educate advocates about this important service.

FURTHER COURSE OF ACTION

- Victim Compensation and Government Claims Board trains and educates the staff under their contract (joint powers claim processing staff). The problem is with advocates who have direct contact with victims and help to complete a victim compensation application.
- Encourage first responders to debrief child abduction victims to determine what harm and nature of losses might meet the eligibility criteria for Victim Compensation Program benefits. Urge victims, and family members, or derivative victims to complete the application for Victim Compensation Program benefits and submit to the local Victim/Witness Assistance Center within the time requirements.
- Propose legislation eliminating, in certain cases, the requirement that a family abduction must last a minimum of 30-calendar days to meet the eligibility requirement for left-behind family members to receive Victim Compensation Program benefits.
- Ensure Mc George School of Law's telephone number 1-800-VICTIMS, is publicized, and the referral information regarding victim compensation for child abduction victims is accurate.

ISSUE #4B: ONGOING LEGISLATION REVIEW AND ANALYSIS IS NEEDED

Ongoing legislative review and analysis is needed to continually update and revise statutes in response to increased occurrences of child abductions.

RECOMMENDATION

Form a committee to review all statutes pertinent to child abduction issues to ensure legislation is responsive to the issue.

RESULTS

The California District Attorney's Association (CDAA) has an ongoing committee which continuously reviews child abduction legislation. The Task Force will be obtaining information from this committee and coordinating efforts on such legislation.

ISSUE #5: FAMILY ABDUCTIONS TO AND FROM MEXICO

Due to California's geographic location and demographics, many family child abductions result in the taking of children to and from Mexico. California prosecutors frequently seek the return of abducted children by invoking the Hague Convention on the Civil Aspects of International Child Abduction and need guidance as to how to expeditiously resolve such cases when they involve children across the border between Mexico and California.

RECOMMENDATION

Improve procedures for presenting child abduction cases to the Mexican authorities through the California Attorney General's Office in consultation with district attorney personnel. The protocol should be disseminated to local prosecutors throughout the state and incorporated into the Attorney General's Child Abduction Manual.

RESULTS

The California Attorney General's Office has developed procedures for presenting child abduction cases to Mexico pursuant to the Hague Convention on the Civil Aspects of International Child Abduction, and recommended practices for district attorney investigators traveling to Mexico to recover abducted children. The Attorney General's Office provides guidance and technical assistance to district attorneys preparing Hague Convention cases for transmission to Mexico. Special Agents of the California Attorney General's Foreign Prosecution and Law Enforcement Unit (FPLEU) now regularly accompany district attorney investigators when they travel to Mexico to recover abducted children. In 2004, the FPLEU's responsibilities were codified with the passage of AB 2160, which enacted Penal Code section 11055 requiring the FPLEU to assist district attorneys in recovering children from Mexico and other countries, either in court-ordered returns, pursuant to the Hague Convention, or voluntary returns.

Information about recommended practices and procedures for handling international parental kidnapping cases to and from Mexico are shared with district attorney personnel throughout the state and will be included in the forthcoming revision of the *Attorney General's Child Abduction Manual*.

The California Attorney General's Office continues to develop relationships with local, state, and federal authorities in Mexico. In June 2006, together with the Mexican Consulate in San Diego and the San Diego District Attorney's Office, the California Attorney General's Office helped organize the 6th Bi-National Child Abduction Conference in Ensenada, Baja California, Mexico, which was attended by over 200 attorneys, judges, prosecutors, investigators, child protective services, and non-profit missing children's agency workers from California and from representatives of the

Mexican Central Authority. These efforts have resulted in increasing the number of abducted children successfully returned to California from Mexico, and have increased knowledge and understanding about the implementation of the Hague Convention on both sides of the border.

ISSUE #6: STATEWIDE MINIMUM STANDARDS

There are no statewide minimum standards or suggested protocols for implementing a countrywide, multi-disciplinary response to child abduction. However, there are available guides for communities to review, developed by the National Center for Missing and Exploited Children (NCMEC) and the Federal Bureau of Investigation (FBI), as well as others, dealing with the local law enforcement and FBI responses to child abduction cases.

A number of Task Force members have had past experiences in assisting communities to develop multi-disciplinary plans and teams geared toward assisting families and children impacted by child abduction at various stages of the search and recovery process. Such experiences demonstrated multi-disciplinary plans and teams must be developed by line staff and supported by the head of each agency involved in the plan. Boiler plate protocols are ineffective, as there is often very little to no community involvement in developing the plan, thus rejecting the assurance each community's distinctive aspects were taken into account and incorporated into said plan. Plus boilerplate protocols do not get community participant buy-in.

The Task Force considered providing individualized, community-based facilitation for plan development, but concluded it did not have the necessary resources or enough members with expertise in this area, to pursue such an undertaking at this time. The Task Force agreed to allow the Vanished Children's Alliance (VCA) to solicit funding from Children's Justice Act (CJA) to take on this project. However, although VCA submitted a concept paper and met with CJA Task Force representatives, it was declined funding by the CJA Task Force for now.

RECOMMENDATION

The Task Force will continue to examine how California-based Multi-disciplinary Teams may be encouraged and developed with the goal of each community developing a relevant plan incorporating the unique needs of abducted children and their families within these communities.

The Task Force currently holds Child Abduction Resource Trainings 3-4 times a year in various locations throughout California. At these trainings, two presenters discuss the establishment of multi-disciplinary teams (MDTs). The goal is participants attending the trainings will implement what was presented and take steps to create MDTs in their regions.

VCA, with the support of the Task Force, will pursue CJA funding in the future in order to assist California communities in developing these MDTs.

The Task Force will continue to provide information to those who participate in the Resource Trainings, as well as other interested parties, regarding where information on Child Abduction MDTs, as well as guidelines on the roles and responsibilities of the different disciplines in child abduction cases, can be obtained.

RESULTS

The Task Force developed questionnaires for the purpose of identifying current policies, procedures, and inter-agency practices relating to child abduction. These questionnaires are to be disseminated to all child abduction units within each county district attorney's office, law enforcement agencies, children's protective service agencies, and missing children non-profit organizations.

The Task Force reviewed existing written protocols and guidelines from various agencies including: the California Department of Justice, the Federal Bureau of Investigation, the National Center for Missing and Exploited Children, and the Dallas Police Department responsible for creating the AMBER Alert System.

FURTHER COURSE OF ACTION

- Disseminate questionnaires to the above stated agencies.
- Follow-up to ensure optimum return of questionnaires.
- Analyze and evaluate information on completed questionnaires.

Develop minimum standards for use in the development of multi-disciplinary guidelines addressing issues related to child abduction.

- Organize regional/county workshops on how to use the recommended minimum standards to develop a county guideline.
- Provide copies of recommended minimum standards to agencies dealing with child abduction.
- Maintain copies of established county guidelines.

ISSUE #7: LACK OF RISK ASSESSMENT TOOLS FOR FAMILY ABDUCTIONS

A child abducted by a non-family member (stranger) is generally perceived to be in great danger of harm, triggering an immediate response from law enforcement and the community. In contrast, abductions by a family member are often perceived as presenting low risk of danger to the child, thus delaying an appropriate response. While family abductions' dynamics are different from those of stranger abduction, family abductions may result in great harm to a child. Depending on the locality, there are either no assessment tools or inadequate assessment tools to assist professionals in determining either risk of abduction or potential of harm to a child once abducted by a family member.

Highly emotional custody cases may present an increased abduction risk. An assessment tool designed to assess the risk of the development of an abduction incident would be of value in preventing family abductions through early intervention by professionals. This tool could be designed to include behavioral, personality trait, and situational assessment criteria.

Once a child is abducted by a family member, first responders need an assessment tool to determine the emergency nature of the abduction based on the potential of harm to the child. This risk assessment tool could help in an appropriate response to family abduction incidents.

RECOMMENDATIONS

Develop a risk assessment tool designed to prevent incidents of family abduction and disseminate it to appropriate personnel involved in:

- divorce and or custody proceedings (Request for Child Abduction Prevention Orders, currently Judicial Council Form: FL-312);
- issuance and enforcement of restraining orders;
- child custody and child support orders;
- contested paternity hearings;
- juvenile, probate, and/or guardianship court actions;
- provisions of social services;
- daycare and preschools; and
- education.

RESULTS

Developed a risk assessment tool for first responders to assess the potential of harm to a child abducted by a family member.

The Child Abduction and Risk of Danger to Child Assessment Checklist tool and Child Abduction First Responding Officer Checklist have been developed by the Task Force and disseminated at the Child Abduction Intervention and Resource Training sessions throughout California.

Task Force members worked on child abduction prevention legislation resulting in the enactment of California Family Code Section 3048 (see Appendix A). This statute requires family court judges in custody cases, to assess whether there is a risk of parental kidnapping and provides a checklist of risk factors to be considered. If a risk of parental kidnapping is found, the statute provides a list of measures which can be taken in an effort to deter or prevent abductions. This may be the only child abduction prevention statute of its kind in the country. While this statute may serve as a kind of risk assessment tool for family courts, there remains a need to develop a research-based risk assessment tool which can be tested and used for purposes of preventing family abductions.

Vanished Children's Alliance has prevention tips on how to help prevent a family abduction on their website www.vca.org.

FURTHER COURSE OF ACTION

- Continue to disseminate the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool and the *Child Abduction First Responding Officer Checklist*;
- Attempt to disseminate the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool to additional disciplines;
- Revise and enhance the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool and *Child Abduction Responding Officer Checklist*; and
- Develop a *Family Abduction Prevention Risk Assessment* tool for dissemination to professionals who may be in a position to recognize the potential of and prevent family abduction incidents.

ISSUE #8: MISPERCEPTIONS ABOUT FAMILY ABDUCTIONS NEED TO BE CORRECTED THROUGH TRAINING AND EDUCATION

There continues to be a perception among professionals who have contact with family abduction cases that such cases do not pose significant danger or trauma to child victims. There is also the common misperception the left-behind parents are not crime victims. Such perceptions can negatively impact the timeliness, level, quality, and follow-up of first responders' services, as well as other agencies having the responsibility to provide quality and timely assistance.

ISSUE #8A: TERMS DO NOT REPRESENT TRUE NATURE OF ACTS

The term "family abduction" does not communicate the true nature of the potential imminent danger or the significant long-term emotional trauma to the abducted child. Many people have a difficult time believing a parent cannot take their child or, when they do, it is, in fact a crime.

The term "family abduction" or "custody dispute" is often perceived to be a matter for the family, better left for the family to address –not for intrusion by law enforcement and other agencies. Law enforcement frequently does not help dispel this perception, often viewing family abduction cases as custody disputes and feeling the matter would be better handled by family law attorneys in domestic relations courts.

ISSUE #8B: VICTIM BLAME AND JUSTIFICATION OF NON-ACTION

The degree of potential danger to an abducted child must be considered serious during and after the abduction; psychological and emotional trauma is also a reality.

If the staff in the criminal justice field view the left-behind parent negatively, or see the left-behind parent and the abducting parent as simply a warring couple or think of the

abduction as a simple custody dispute, the staff may find “justification” to not actively and aggressively pursue these family abduction cases. Since the child is missing, the staff is not able to see visible scars as those seen on a physically abused child. On the other hand, the staff see the emotional and desperate responses of a left-behind parent who may become more distraught with time, viewing the parent as unstable, concluding the left-behind parent deserves the child being taken - a “justification” not to assist the parent.

ISSUE #8C: FAMILY ABDUCTION IS NOT RECOGNIZED AS AN ASPECT OF FAMILY VIOLENCE AND CHILD ABUSE

There are no known published research studies examining the long-term impact of family abductions on the child victims. Once children are recovered, there is little contact by law enforcement professionals with the children and the recovering family member(s). This adds to the lack of knowledge of the long-term emotional impact on children and their families.

ISSUE #8D: FEW FAMILY ABDUCTION CASES CRIMINALLY PROSECUTED

Many of these cases are resolved with no criminal consequences to the abductors, thus adding to the belief by law enforcement family abduction cases are not crimes and do not encourage in-depth investigation or response.

ISSUE #8E: FEW RECOVERED CHILDREN PERMANENTLY DENIED ACCESS TO ABDUCTING PARENT

The criminal and civil courts look at family abduction cases through different lenses. Since there is a serious lack of research on the long-term consequences of family abduction on the abducted children, the courts have no choice but to look primarily at the relationship of the children with their parents.

Children often bond with their abducting parent, such as in cases of Stockholm Syndrome, which is a hostage syndrome of which courts generally have little knowledge. The recovering parent feels anger toward the abducting parent and has been emotionally altered by the violation and denial of their children. Courts frequently wish to maintain the parent-child relationship and do not deny the abducting parent access to their children.

In addition, children who have been successfully concealed and detained for many years and have been “brainwashed” by their abducting parent usually have little desire, and often much fear, to be with their recovering parent. Thus, it is not unusual for abducting parents to be granted custody of the children they abducted due to the bond the children have to the parents.

ISSUE #8F: FAMILY ABDUCTION IS NOT RECOGNIZED AS AN ASPECT OF FAMILY VIOLENCE AND CHILD ABUSE

Child abduction by a family member is generally unrecognized as a form of family violence, even though the motivations behind the abduction—power, control, and revenge—are consistent with motives for domestic violence. Family abductions are not generally viewed as child abuse. The harm to children is not assessed after recovery; there is no mandatory reporting of family abduction cases as there is in cases of child abuse.

RECOMMENDATION

Encourage more research to document the long-term harmful effects of family abduction.

Continue to provide Regional Trainings on the topic of child abduction—both family and non-family abduction. The Task Force needs to look at reconstituting a training component on the impact of child abduction. In the past, the Task Force provided a training segment on this issue; however, this was eliminated. The current focus is primarily the roles and responsibilities of the different agencies in such cases.

Consider pursuing legislation to mandate children abducted by family or non-family members be incorporated into the child abuse mandated reporting policy.

Renew funding of the Child Abuse and Abduction Prevention Program. This will allow information on the true nature of family abduction to be available to communities throughout the state. With the goal of preventing abduction, in this case family abductions, this will require providing information on the harm to children and to their left-behind family members, thereby increasing community awareness.

FURTHER COURSE OF ACTION

- Recommend the continuation of funding for the Child Abduction Intervention and Resource Trainings from other sources when CJA funding is no longer available.
- Recommend CJA funding for the establishment of Child Abduction Multidisciplinary Teams within the state. If established, this will help dispel many of the myths surrounding family abductions.
- Should mandated child abuse reporters be legislatively required to report suspected child abductions, it would facilitate a desire for more information and training on this topic and automatically increase the level of importance of family abduction cases.
- Once law enforcement officials become more involved in the investigation of child abduction cases, both family and non-family, and especially after attending child abduction training they will learn there is an equally immense danger and risk to the family-abducted children as to children who were abducted by non-family members.

- The serious nature of family abduction is reinforced by the existence of Child Abduction Resource Trainings, Child Identification Programs, the refunding of the Child Abduction Prevention Programs, counties district attorneys' child abduction units and their responses, the issuance of AMBER Alerts, the existence and work of the Governor's Child Abduction Task Force, missing and abducted children non-profit organizations, the constant visuals, courtesy of the media, of missing child pictures and posters throughout the community, and the development and dissemination of other training and materials relevant to this issue.

ISSUE #9: INSUFFICIENT RESOURCES

Insufficient funding exists for the development of training and public prevention education curriculum.

RECOMMENDATION

Research and identify funding sources to support training and public prevention education.

RESULTS

The former OCJP funded the Child Abuse and Abduction Prevention Program for three years. *SafetySaurus*, a set of prevention education materials for kindergarten through sixth grade, was developed, implemented, and distributed throughout California. Many children and parents received education and materials on the prevention of child abduction.

Members of the Task Force participated in the Child Abduction Prevention and Education Review Committee (CAPE) to develop and provide recommendations for statewide education and prevention programs targeted for children and parents. The committee reviewed education and prevention programs and resources, and produced a report for the Governor summarizing the information and making recommendations regarding programs and resources. In an effort to provide prevention and education resources to parents, school districts, and others responsible for safeguarding children, the Governor has directed various state agencies to implement many of the recommendations contained in this report.

FURTHER COURSE OF ACTION

- Explore funding opportunities to continue the Child Abuse and Abduction Prevention Program.

ISSUE #10: TRAINING FOR PROFESSIONALS

Training for a wide range of professionals, such as therapists, educators, parents, judges, and family court service personnel, is needed. Existing training for law enforcement needs revision in content and in implementation. Training needs to be more accessible to patrol officers and new recruits.

ISSUE #10A: REVISION OF EXISTING TRAINING

Existing training for law enforcement tends to focus on either family abductions or non-family abductions, rarely combining the two during the same segment of training.

RECOMMENDATION

Existing training materials need to be revised to include an emphasis on both family and non-family abduction. Training on each subject should receive equal time, and should include a discussion of risk factors, investigation, and handling of a case. The potential for serious harm and emotional abuse to a child, regardless of the type of abduction, should be emphasized.

ISSUE #10B: ACADEMY TRAINING COURSES FOR LAW ENFORCEMENT OFFICERS

The basic academy only provides minimal training on child abduction issues. Ongoing training and training updates in the area of child abduction are generally not part of the Advanced Officer and Supervisor Training curriculum.

RECOMMENDATION

Law enforcement personnel should be provided specific training on family and non-family abduction in the basic academy for new officers, advanced officer in-service training, and supervisor training. A recent concern is the California Commission on Peace Officer Standards and Training (POST) may be considering reducing the number of child abuse education hours police academy students must attend. Many Task Force members would like child abduction to be considered by law enforcement to be a form of child abuse, and as such, would like POST to add to and not decrease the number of training hours in this area.

RESULTS FOR ISSUES #10A AND #10B

The information presented to the basic academy and advanced officer training varies by location. Some academies enhance their missing persons training to include family and/or non-family child abduction issues. For example, the San Diego District Attorney's Office is teaching family abduction issues at the regional academy for both basic and advanced officer training.

FURTHER COURSE OF ACTION

- The Task Force should survey individual academies within the state to determine the content and amount of family and non-family abduction training being conducted at each facility. With this information the Task Force may work with POST and the California District Attorneys' Association (CDAA) to identify the training needs and ensure minimum standards of training for family and non-family abduction issues are being provided.

ISSUE #10C: LIMITED TRAINING FOR NON-LAW ENFORCEMENT PROFESSIONALS

Courses on child abduction are limited, generally oriented toward law enforcement personnel.

Mandated reporters are in the best position to view a child's body and behavior, as well as their interactions with a parent or caregiver, such individuals may develop suspicions an abduction may occur. If mandated reporters were required to report suspicions of child abduction to local law enforcement or to the district attorney's offices, those agencies could contact the parent or caregiver likely to lose contact with the child. Once these agencies have identified and communicated with the parent or caregiver in danger of losing the child through an abduction, representatives from these agencies could refer the parent or caregiver to appropriate judicial facilities or to non-profit organizations. In turn, these entities could provide legal assistance and abduction prevention information as well as assist by providing child identity kits.

Increased training programs, mandated training, public awareness, and prevention campaigns can be beneficial to professionals and the public and would help safeguard the integrity of the child and his or her stable living conditions.

RECOMMENDATION

California's children would be safer if child abuse reporters were also mandated to report suspicion of child abduction. If such a change in the legislation were to occur, such reporters must be trained on the issues of family and non-family abductions. Training could be incorporated into the continuing education requirements of the various professional licensing organizations regulating the professional status of the mandated reporters. A minimum number of hours of training in child abduction awareness, risk factors, and prevention would enable both mandated reporters as well as various other professionals who work with children.

The prevention projects previously addressed this through training for service providers (the projects' secondary/adult target group).

California state agencies charged with various licensing and credentialing of individuals who work closely with children include:

- Department of Health Services (health care);
- Department of Social Services (county human service);
- Department of Consumer Affairs (clinical social workers; marriage and family therapists; chemical dependency/alcohol counselors); and
- Department of Education (teachers, classroom aides, preschool staff, and personal daycare providers).

The federal organizations identified as having influence over mandated training include:

- American Medical Association (health care professionals);
- American Psychological Association (mental health professionals); and
- National Association of Social Workers (human service professionals).

The Task Force will identify all local, state, national, and international child abduction resources. The Task Force will then coordinate these resources and include them in a database available on-line. An independent commission should be created in order to determine agency inclusion on this list of resources. A Task Force subcommittee should be formed to maintain and update this list to ensure current contact information and to reflect changes in the services offered by the agencies included on the list.

RESULTS

The Task Force should work with POST, CDAA, California Department of Justice (DOJ), and California Department of Social Services (CDSS) to participate in the collaborative development of training material for mandated reporters. This training should include training on family and non-family child abduction issues, outreach and prevention. The Task Force should also consider lobbying for legislation which would recognize parental kidnapping as a form of child abuse.

ISSUE #10D: PUBLIC AWARENESS AND EDUCATION ARE NEEDED

The public is not aware of the seriousness of child abduction. While public awareness campaigns have highlighted issues related to child physical and sexual abuse and the impact of family violence on children, the growing problem of child abduction has not received the same attention.

FURTHER COURSE OF ACTION

- Identify funding sources to develop and disseminate child abduction brochures and public service announcements for television and radio would increase public awareness about the risks and consequences of child abduction.
- Reinstatement of the funding for the Child Abuse and Abduction Prevention Program will significantly increase public awareness and education of child abduction issues. Such funding will provide training and materials to adults and to children in grades kindergarten through sixth grade using the previously funded development of the *SafetySaurus* curriculum as well as other awareness materials.
- Continue funding for the Child Identification Programs. This will enhance ongoing public awareness regarding child safety and the realities of child abduction.
- Many of the Task Force member agencies conduct child safety events, promote National Missing Children's Day activities, provide issue-relevant training, and

conduct numerous media interviews. These activities greatly heighten public awareness.

RESULTS

Although a child abduction brochure and public service announcements for the media have not yet been developed, the development of these is still a possibility in the near future if funding becomes available. As a way to increase the public awareness about child abduction, the Child Abuse and Abduction Prevention Program projects, with funding from the former OCJP from 1998 to 2002, were able to develop the preventative education materials *SafetySaurus* for children kindergarten through sixth grade. The *SafetySaurus* was presented by Central California CARES, Southern California CARES, and Vanished Children's Alliance at various elementary schools and after-school programs statewide.

This report was developed and published to provide a continuing effort to address the issue of child abduction. This is just the beginning. Fortunately, a strong commitment exists to pursue further research in addressing the issue of child abduction and to help make California a safer place for our children.

SIGNIFICANT CONCERNS ABOUT CHILD ABDUCTION

The California Child Abduction Task Force identified common misconceptions and problematic issues related to child abduction. The following significant concerns are highlighted:

1. Child abduction is not uniformly considered to include both family and non-family abductions.
2. Child abduction by a family member is often perceived by law enforcement to present minimal risks to the child since the abducted child is often with a family member.
3. Family child abduction cases present a high potential for physical injury and emotional trauma to the child, and are often considered to be civil cases when these should often be considered criminal cases.
4. There are cases of homicide, suicide, and sexual assault, which began as child abductions, but were never recognized as cases of abduction and, consequently, were not reported or report not accepted as such.
5. Current statistics do not adequately reflect the number of child abduction cases since incidents are often reported as “other types of crimes” not entered by law enforcement agencies, or are recorded as only “missing child” reports.
6. Law enforcement response time for family-related child abduction is generally given a lower priority when compared to the higher priority given to a non-family abduction.
7. There are no standardized law enforcement guidelines including an objective assessment of the risk to the child, whether the abduction is by a family or non-family abductor.
8. The serious emotional and/or physical trauma of child abduction is often minimized and not viewed as child abuse.
9. Family abduction cases are rarely prosecuted.
10. Typically in family abduction cases the left behind parent is considered the crime victim not the child (violation of parent’s child custody right).
11. Criminal sentencing often does not reflect the seriousness of the crime of family abduction.
12. Since there are no standardized approaches or “best practices” there is no uniformity as to how law enforcement should respond, or for district attorneys to prosecute child abduction cases.
13. There is no statewide child custody registry.

14. There is a need for an ongoing multidisciplinary Task Force to address the prevention, education, location, recovery, and reunification of abducted children.

Recognition of the above concerns led the Task Force to identify specific issues, recommendations, and action plans. Following is a summary of these topics:

ISSUE #1: UNIFORM DEFINITIONS

A lack of uniform definitions relating to child abductions results in:

- inaccurate and underreported child abductions; and
- inappropriate criminal justice response to child abduction.

ISSUE #1A: FAMILY ABDUCTION IS NOT PROPERLY DEFINED AS CHILD ABDUCTION

Child abduction is not uniformly considered to include both family and non-family abductions.

RECOMMENDATION

Include non-family abduction and family abduction and concealment in the definition of “child abduction” for NCIC reporting purposes. These abductions require a prompt assessment by law enforcement of the potential for harm to the missing child, as well as recognition of the potential for long-term emotional and psychological trauma.

Child abduction generally occurs when a child is taken, enticed away, kept, withheld, concealed, detained, arrested by means of force or fear, and carried into another country, state, county, or another part of the same county.

A family abduction is carried out by a person in a close (familial) relationship to the child, inclusive of a biological and/or legal parent, or other individual with a right of custody over the child. All other abductions are considered non-family abductions.

Criminal statutes define child abduction. In California, the family abduction provisions are set forth in California Penal Code Sections 277 to 280 (see Appendix B).

RESULTS

Task Force trainings have educated law enforcement officers around the state about the requirement they take reports of family abductions, as well as non-family abductions and *immediately* enter the names of the abducted child/ren into NCIC. There is an ongoing need to continue to educating law enforcement officers about this requirement to ensure it is consistently met.

ISSUE #2: THE PERCEPTION THAT FAMILY ABDUCTIONS ARE NOT SERIOUS OFTEN RESULTS IN A FAILURE TO RESPOND URGENTLY AND APPROPRIATELY

Family abductions are usually considered less urgent than non-family abductions by first responders.

RECOMMENDATION

Each case of child abduction must be immediately evaluated with the same standards for potential risk, danger, and harm to the child regardless whether the perpetrator is a family or non-family member.

RESULTS

The Task Force developed the *Child Abduction Law Enforcement Field Packet*, which includes the *Child Abduction and Risk of Danger to Child Assessment Checklist*, and *Child Abduction First Responding Officer Checklist*. These are uniform evaluation instruments to be used statewide to assist first responders in making an initial assessment of whether an abducted child may be at risk of injury, death, or of being abducted to another country. The Checklists are included in the Child Abduction Intervention and Resource Training materials for dissemination among training participants. Instructions on using the checklist shall be incorporated into the Law Enforcement Response presentation at the Trainings.

In addition, through its trainings, the Task Force educates first responders throughout the State of California on the inherent harm done to abducted children and left-behind parents in family abduction cases, on the potential for danger to children in these cases, and on the need to view child abduction cases as serious unless and until it can be determined an abducted child is not in imminent risk of harm.

ISSUE #3: A COHESIVE, CONSISTENT, AND EFFICIENT MULTI-JURISDICTIONAL RESPONSE SYSTEM TO CHILD ABDUCTION CASES IS NEEDED

Since child abductions frequently involve multiple law enforcement jurisdictions across local, state, national or international boundaries, a need exists to enhance the capacity for an expeditious, collaborative multi-jurisdictional response by the professional system dealing with these crimes.

ISSUE #3A: LACK OF STATEWIDE CHILD CUSTODY ORDER REGISTRY

California lacks a child custody order registry database. Since the custodial parent and the family abductor frequently live in different jurisdictions, a central registry is needed to document custody orders and make the information available to law enforcement. Even within a jurisdiction, law enforcement officers are not able to verify a court order when attempting to resolve a child custody dispute on the weekend or after the court's regular business hours.

RECOMMENDATION

Include child custody orders in the existing domestic violence registry, or establish a statewide child support registry, and make this information accessible to law enforcement.

RESULTS

California's children deserve a statewide custody order registry which law enforcement agencies can access around the clock in order to review and verify the can be readily accessible to law enforcement agencies. It is recognized such a registry will require the development of a uniform custody order and a system for inputting the data and keeping it up-to-date. Such a registry should include orders in family law divorce/separation cases and in confidential paternity cases.

ISSUE #3B: THERE ARE NO POLICIES OR GUIDELINES TO CLARIFY JURISDICTIONAL ISSUES

Local law enforcement does not have clearly stated guidelines to resolve jurisdictional issues in family abduction cases. Often, multiple agencies in different jurisdictions are involved which results in confusion, lost time, and wasted resources.

RECOMMENDATION

Promote legislation to amend California Penal Code Section 784.5 and 279 et seq. (see Appendix B) to clarify which organization has jurisdiction to investigate, prosecute, and use civil laws to resolve parental kidnapping cases.

RESULTS

California lacks legislation clearly delineating the principal county which is to investigate, prosecute, and utilize civil legal tools to resolve parental kidnapping cases where multiple jurisdictions are involved. District attorneys' child abduction units have worked to agree between offices which county will handle the case. However, due to funding shortages for child abduction units, many counties have closed their child abduction units or reduced staffing so severely victims often travel to larger counties with active and fully staffed units. This results in disproportionately leaning on the resources of the larger counties; such a leaning continues as a direct result of the lack of specificity in the codes which dictate that jurisdiction to handle these cases lies in the county where the victimized person resides, or where the person deprived of custody is located, or where the child is subsequently found. (California Penal Code sections 279 and 784.5 – see Appendix.)

ISSUE #3C: CONFUSION REGARDING CONFIDENTIALITY LAWS

Federal and state confidentiality laws prevent the sharing of information between law enforcement agencies, social service agencies, and schools and thus delays the recovery of abducted children.

RECOMMENDATION

Identify and modify federal and state confidentiality laws which create obstacles to the sharing of information to allow law enforcement personnel immediate access to critical information, which would assist in assessing the risks, locating, and recovering missing children.

RESULTS

The Task Force determined the enactment of specific California statutes have helped to ameliorate the obstacle of the sharing of information amongst agencies responding and working on child abductions.

Statutes which allow district attorney's child abduction unit personnel access to confidential public records for the purpose of locating abducted children, have been identified:

- ▶ California Family Code Section 17505, which reads "All state, county, and local agencies shall cooperate with the district attorney concerning the location, seizure, and recovery of abducted, concealed, or detained children."

- ▶ California Public Utilities Code Section 588 authorizes district attorney investigators to access "telephone, gas, and electric public utilities' customer information." The information is limited to full name, date of birth, social security number, address, previous address, forwarding address, place of employment, and date of service instituted, terminated, or suspended by utility customers to the extent the information is stored within the utility records and computer data bases."

California Education Code Sections 49068.5 through 49068.6 address the requirements for schools upon a transfer of a new student to check to see if the child is listed as missing child on the bulletins provided by the California Department of Justice.

California Penal Code 17212 states the legislature's intent to ensure the confidentiality of support enforcement and child abduction records and to encourage the full and frank disclosure of the location of absent parents, and the location of parents and children abducted, concealed, or detained by them.

ISSUE #4: REFORM, REVISION, AND IMPLEMENTATION OF CHILD ABDUCTION LAWS ARE NEEDED

ISSUE #4A: UNIFORM VICTIM COMPENSATION ELIGIBILITY FOR ABDUCTED CHILDREN

Child abduction victims and their families often need victim compensation for therapy, loss of wages, burial expenses, and more.

RECOMMENDATION

There is confusion about eligibility for the Victim Compensation Program benefits in child abduction cases. Many families fail to apply for these benefits or they do not receive deserved benefits due to erroneous interpretations of the eligibility criteria by victim assistance center staff. In some instances, it may not be clear an abduction actually occurred (e.g., when there are no witnesses to the abduction, or when the child is a considered runaway), a family abduction case may not have lasted over thirty days, or it may be difficult to establish actual physical or emotional harm once the child is returned.

RESULTS

Members of the Task Force participated in the development of proposed legislation ultimately chaptered as California Government Code Section 13955 (see Appendix E), providing the eligibility criteria for victim compensation.

Victim Compensation has brochures explaining who is eligible in general. The informational brochure lists some of the covered crimes including kidnapping but not child abduction. A Task Force member with expertise in victim compensation drafted an informational sheet which mentions the benefits available specifically to child abduction victims and their families.

The Task Force brought problem cases where eligible child abduction cases were denied victim compensation services to the attention of two state agencies, Office of Emergency Services, Victim Witness Section, and Victim Compensation and Government Claims Board. Executive staff from both agencies met with the Task Force to discuss improving Victim Witness advocates' training to include victim compensation information specific to child abduction cases. As a result of this meeting, a 90-minute child abduction segment was added to the entry-level victim advocate training. Specific child abduction scenarios were used to identify and educate advocates about this important service.

FURTHER COURSE OF ACTION

- ❖ Victim Compensation and Government Claims Board trains and educate the staff under their contract (joint powers claims processing staff). The problem is with advocates who have direct contact with victims and help to complete a victim compensation application. Advocates are funded by OES/Victim Witness Section and OES is the agency which can direct them not Victim Compensation and Government Claims.
- ❖ Encourage first responders to debrief child abduction victims to determine what harm and nature of losses might meet the eligibility criteria for Victim Compensation Program benefits. Urge those victims and family members or derivative victims to complete the application for Victim Compensation Program benefits and submit to the local Victim/Witness Assistance Center within the time requirements.

- ❖ Propose legislation eliminating, in certain cases, the requirement of a family abduction must last a minimum of 30-calendar days to meet the eligibility requirement for left-behind family members to receive Victim Compensation Program benefits.
- ❖ Ensure Mc George School of Law, telephone number, 1-800-VICTIMS is publicized, and the referral information regarding victim compensation for child abduction victims is accurate.

ISSUE #4B: ONGOING LEGISLATION REVIEW AND ANALYSIS IS NEEDED

Ongoing legislative review and analysis is needed to continually update and revise statutes in response to increased occurrences of child abductions.

RECOMMENDATION

Form a committee to review all statutes pertinent to child abduction issues to ensure legislation is responsive to the issue.

RESULTS

The California District Attorney's Association (CDAA) has an ongoing committee which continuously reviews child abduction legislation. The Task Force will be obtaining information from this committee and coordinating efforts on such legislation.

ISSUE #5: FAMILY ABDUCTIONS TO AND FROM MEXICO

Due to California's geographic location and demographics, many family child abductions result in the taking of children to and from Mexico. California prosecutors frequently seek the return of abducted children by invoking the Hague Convention on the Civil Aspects of International Child and need guidance as to how to expeditiously resolve such cases when they involve children across the border between Mexico and California.

RECOMMENDATION

Improve procedures for presenting child abduction cases to the Mexican authorities through the California Attorney General's Office in consultation with district attorney personnel. The protocol should be disseminated to local prosecutors throughout the state and incorporated into the Attorney General's Child Abduction Manual.

RESULTS

The California Attorney General's Office has developed procedures for presenting child abduction cases to Mexico pursuant to the Hague Convention on the Civil Aspects of International Child Abduction, and recommended practices for district attorney investigators traveling to Mexico to recover abducted children. The Attorney General's Office provides guidance and technical assistance to district attorneys preparing Hague Convention cases for transmission to Mexico. Special Agents of the California

Attorney General's Foreign Prosecution and Law Enforcement Unit (FPLEU) now regularly accompany district attorney investigators when they travel to Mexico to recover abducted children. In 2004, the FPLEU's responsibilities were codified with the passage of AB 2160, which enacted Penal Code section 11055, requiring the FPLEU to assist district attorneys in recovering children from Mexico and, where appropriate, other countries, either in court-ordered returns pursuant to the Hague Convention, or voluntary returns.

Information about recommended practices and procedures for handling international parental kidnapping cases to and from Mexico are shared with district attorney personnel throughout the state and will be included in the forthcoming revision of the *Attorney General's Child Abduction Manual*.

The California Attorney General's Office continues to develop relationships with local, state, and federal authorities in Mexico. In June 2006, together with the Mexican Consulate in San Diego and the San Diego District Attorney's Office, the Attorney General's Office helped organize the 6th Binational Child Abduction Conference in Ensenada, Baja California, Mexico, which was attended by over 200 attorneys, judges, prosecutors, investigators, child protective services and non-profit missing children agency workers from California, U.S. and Mexican Central Authority representatives, and others. These efforts have resulted in increasing the number of abducted children successfully returned to California from Mexico, and have increased knowledge and understanding about the implementation of the Hague Convention on both sides of the border.

ISSUE #6: STATEWIDE MINIMUM STANDARDS

There are no statewide minimum standards or suggested protocols for implementing a countrywide, multidisciplinary response to child abduction. However, there are available guides for communities to review, developed by the National Center for Missing and Exploited Children (NCMEC) and the Federal Bureau of Investigation (FBI), as well as others, dealing with the local law enforcement and FBI responses to child abduction cases.

A number of Task Force members have had past experience in assisting communities to develop multidisciplinary plans and teams geared toward assisting families and children impacted by child abduction at various stages of the search and recovery process. Such past experience has demonstrated, in order for such plans to prove successful, they must be developed by line staff and supported by the head of each agency involved in the plan. Boiler plate protocols are ineffective, as there is often very little to no community involvement in developing the plan, thus rejecting the assurance each community's distinctive aspects were taken into account and incorporated into said plan. Plus boilerplate protocols do not get community participant buy in.

The Task Force considered providing individualized, community-based facilitation for plan development, but concluded it did not have the necessary resources, or enough members with expertise in this area, to pursue such an undertaking at this time. The Task Force agreed to allow the Vanished Children's Alliance (VCA) to solicit funding from Children's Justice Act (CJA) to take on this project. However, although VCA did submit a concept

paper and met with CJA Task Force representatives, it was declined funding by the CJA Task Force at the present time.

RECOMMENDATION

The Task Force will continue to examine how California-based multidisciplinary Teams may be encouraged and developed with the goal of each community developing a relevant plan incorporating the unique needs of abducted children and their families within these communities.

The Task Force currently holds Child Abduction Resource Trainings 3-4 times a year in various locations throughout California. At these trainings, two presenters discuss the establishment of multidisciplinary teams (MDTs). The goal for doing this is participants attending the trainings will implement what was presented at these trainings and take steps to create MDTs on this issue in their regions.

VCA, with the support of the Task Force, will pursue CJA funding in the future in order to assist California communities in developing these MDTs.

The Task Force will continue to provide information to those who participate in the Resource Trainings, as well as other interested parties, regarding where information on Child Abduction MDTs, as well as guidelines on the roles and responsibilities of the different disciplines in child abduction cases, can be obtained.

RESULTS

The Task Force developed questionnaires for the purpose of identifying current policies, procedures, and inter-agency practices relating to child abduction. These questionnaires are to be disseminated to all child abduction units within each county district attorney's office, law enforcement agencies, children's protective service agencies, and missing children nonprofit organizations.

The Task Force reviewed existing written protocols and guidelines from various agencies including the California Department of Justice, the Federal Bureau of Investigation, National Center for Missing and Exploited Children, and the Dallas Police Department responsible for creating the Amber Alert Program.

FURTHER COURSE OF ACTION

- ❖ Disseminate questionnaires to the above stated agencies.
- ❖ Follow-up to ensure optimum return of questionnaires.
- ❖ Analyze and evaluate information on completed questionnaires.

Develop minimum standards for use in the development of multidisciplinary guidelines addressing issues related to child abduction.

- ❖ Organize regional/county workshops on how to use the recommended minimum standards to develop a county guideline.
- ❖ Provide copies of recommended minimum standards to agencies dealing with child abduction.
- ❖ Maintain copies of established county guideline.

ISSUE #7: LACK OF RISK ASSESSMENT TOOLS FOR FAMILY ABDUCTIONS

A child abducted by a non-family member (stranger) is generally perceived to be in great danger of harm triggering an immediate response from law enforcement and the community. In contrast, abductions by a family member are often perceived as presenting low risk of danger to the child, thus delaying an appropriate response. While family abductions' dynamics are different from those of stranger abduction, family abductions may result in great harm to a child. Dependant on the locality there are either no assessment tools or inadequate assessment tools to assist professionals to determine either risk of abduction or potential of harm to a child once abducted by a family member.

Highly emotional custody cases may present an increased abduction risk. An assessment tool designed to assess the risk of the development of an abduction incident would be of value in preventing family abductions through early intervention by professionals. This tool could be designed to include behavioral, personality trait, and situational assessment criteria.

Once a child is abducted by a family member first responders need an assessment tool to determine the emergency nature of the abduction based on the potential of harm to the child. This risk assessment tool could help in an appropriate response to family abduction incidents.

RECOMMENDATIONS

Develop a risk assessment tool designed to prevent incidents of family abduction and disseminate it to appropriate personnel involved in:

- divorce and or custody proceedings (Request for Child Abduction Prevention Orders, currently Judicial Council Form: FL-312);
- issuance and enforcement of restraining orders;
- child custody and child support orders;
- contested paternity hearings;
- juvenile, probate, and/or guardianship court actions;
- provisions of social services;
- day care and preschools; and
- education.

RESULTS

Developed a risk assessment tool for first responders to assess the potential of harm to a child abducted by a family member.

The Child Abduction and Risk of Danger to Child Assessment Checklist tool and Child Abduction First Responding Officer Checklist have been developed by the Task Force and disseminated at the Child Abduction Intervention and Resource Training sessions throughout California.

Task Force members worked on child abduction prevention legislation resulting in the enactment of California Family Code Section 3048 (see Appendix A). This statute requires family court judges in custody cases to assess whether there is a risk of parental kidnapping and provides a checklist of risk factors to be considered. If a risk of parental kidnapping is found, the statute provides a list of measures which can be taken in an effort to deter or prevent an abduction. This may be the only child abduction prevention statute of its kind in the country. While this statute may serve as a kind of risk assessment tool for family courts, there remains a need to develop a research-based risk assessment tool which can be tested and used for purposes of preventing family abductions.

Vanished Children' Alliance has prevention tips on how to help prevent a family abduction on their website www.vca.org.

FURTHER COURSE OF ACTION

- ❖ Continue to disseminate the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool and *Child Abduction First Responding Officer Checklist*;
- ❖ Attempt to disseminate the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool to additional disciplines;
- ❖ Revise and enhance the *Child Abduction and Risk of Danger to Child Assessment Checklist* tool and *Child Abduction Responding Officer Checklist*; and
- ❖ Develop a *Family Abduction Prevention Risk Assessment* tool for dissemination to professionals who may be in a position to recognize the potential of and prevent family abduction incidents.

ISSUE #8: MISPERCEPTIONS ABOUT FAMILY ABDUCTIONS NEED TO BE CORRECTED THROUGH TRAINING AND EDUCATION

There continues to be a perception among professionals who have contact with family abduction cases such cases do not pose significant danger or trauma to child victims. There is also the common misperception the left-behind parents are not crime victims. Such perceptions can negatively impact the timeliness, level, quality, and follow-up of first responders' services, as well as other agencies who have a responsibility to provide quality and timely assistance.

ISSUE #8A: TERMS DO NOT REPRESENT TRUE NATURE OF ACTS

The term “family abduction” does not communicate the true nature of the potential imminent danger or the significant long-term emotional trauma to the abducted child. Many people have a difficult time believing a parent cannot take their child or, when they do, it is, in fact a crime.

The term “family abduction” or “custody dispute” is often perceived to be a matter for the family along, better left for the family to address –not for the intrusion by law enforcement and other agencies. Law enforcement frequently does not help dispel this perception, often viewing family abduction cases as custody disputes and feeling the matter would be better handled by family law attorneys in domestic relations courts.

ISSUE #8B: VICTIM BLAME AND JUSTIFICATION OF NON-ACTION

The degree of potential danger to an abducted child must be considered serious during and after the abduction; psychological and emotional trauma is also a reality.

If criminal justice professionals view the left-behind parents negatively or begin to look at the left-behind parent and the abducting parent as simply a warring couple, and think of the abduction as a simple custody dispute, it may provide these professionals with “justification” to not actively and aggressively pursue these family abduction cases. Since the child is missing, the professional is not able to see visible scars like they would with a physically abused child. The professional sees the emotional and desperate responses of a left-behind parent who may become more distraught with time. The professional is able to blame the victim, viewing the parent as unstable, as if the parent deserved the child being taken and uses it as “justification” not to assist the parents.

ISSUE #8C: FAMILY ABDUCTION IS NOT RECOGNIZED AS AN ASPECT OF FAMILY VIOLENCE AND CHILD ABUSE

Currently, there have been no known published research studies examining the long-term impact of family abductions on the child victims. Once children are recovered, there is little contact by law enforcement professionals with the children and the recovering family member(s). This adds to the lack of knowledge of the long-term impacts on children and their families.

ISSUE #8D: FEW FAMILY ABDUCTION CASES CRIMINALLY PROSECUTED

Many of these cases are resolved with no criminal consequences to the abductors, thus adding to the law enforcement view family abduction cases are not crimes and do not encourage in-depth investigation or response.

ISSUE #8E: FEW RECOVERED CHILDREN PERMANENTLY DENIED ACCESS TO ABDUCTING PARENT

The criminal and civil courts look at family abduction cases through different lenses. Since there is a serious lack of research on the long term consequences of family abduction on the

abducted children, the courts have no choice but to look primarily at the relationship of the children with their parents.

Children often bond with their abducting parent, such as in cases of Stockholm Syndrome, which is a hostage syndrome of which courts generally have little knowledge. The recovering parent feels anger toward the abducting parent and has been emotionally altered by the violation and denial of their children. Courts frequently wish to maintain the parent-child relationship and do not deny the abducting parent access to their children.

In addition, children who have been successfully concealed and detained for many years and have been “brainwashed” by their abducting parent usually have little desire, and often much fear, to be with their recovering parent. Thus, it is not unusual for abducting parents to be granted custody of the children they abducted because of the bond the children have to these parents.

ISSUE #8F: FAMILY ABDUCTION IS NOT RECOGNIZED AS AN ASPECT OF FAMILY VIOLENCE AND CHILD ABUSE

Child abduction by a family member is generally unrecognized as a form of family violence, even though the motivations behind the abduction—power, control, and revenge—are consistent with motives for domestic violence.

Family abductions are not generally viewed as child abuse. The harm to children is not assessed after recovery and there is no mandatory reporting of family abduction cases as there is in cases of child abuse.

RECOMMENDATION

Encourage more research to document the long-term harmful effects of family abduction.

Continue to provide Regional Trainings on the topic of child abduction—both family and non-family abduction. The Task Force needs to look at reconstitute a training component on the impact of child abduction. In the past, the Task Force provided a training segment on this issue; however, this was eliminated. The current focus is primarily the roles and responsibilities of the different agencies in such cases.

Consider pursuing legislation to mandate children abducted by family or non-family members be incorporated into the child abuse mandated reporting policy.

Renew funding of the Child Abuse and Abduction Prevention Projects. This will allow information on the true nature of family abduction available to the communities throughout the state. With the goal of preventing abduction, in this case family abductions, this will require providing information on the harm to children and to their left-behind family members, thereby increasing community awareness.

FURTHER COURSE OF ACTION

- ❖ Recommend the continuation of funding for the Child Abduction Intervention and Resource Trainings from other sources when CJA funding is no longer available.
- ❖ Recommend CJA funding for the establishment of Child Abduction Multidisciplinary Teams within the state. If established, this will help dispel many of the myths surrounding family abductions.
- ❖ Should mandated child abuse reporters be legislatively required to report suspected child abductions, it would facilitate a desire for more information and training on this topic and automatically increase the level of importance of family abduction cases.
- ❖ Once law enforcement officials become more involved in the investigation of child abduction cases, both family and non-family, and especially after attending child abduction training they will learn there is an equally immense danger and risk to the family-abducted children as to children who were abducted by non-family members.
- ❖ The serious nature of family abduction is reinforced by the existence of Child Abduction resource Trainings, Child Identification Programs, the refunding of the Child Abduction Prevention Programs, the County District Attorney's Child Abduction Units and their responses, the issuance of AMBER Alerts, the existence and work of the Governor's Child Abduction Task Force, missing and abducted children non-profit organizations, the constant visuals, courtesy of the media, of missing child pictures and posters throughout the community, and the development and dissemination of other training and materials relevant to this issue.

ISSUE #9: INSUFFICIENT RESOURCES

Insufficient funding exists for the development of training and public prevention education curriculum.

RECOMMENDATION

Research and identify funding sources to support training and public prevention education.

RESULTS

OCJP funded the Child Abuse and Abduction Prevention Program for three years. "SafetySaurus," a set of prevention education materials for Kindergarten through sixth grade, was developed, implemented, and distributed throughout California. Many children and parents received education and materials on the prevention of child abduction.

Members of the Task Force participated in the Child Abduction Prevention and Education Review Committee (CAPE) to develop and provide recommendations for statewide education and prevention programs targeted for children and parents. The committee reviewed education and prevention programs and resources, and produced a Report to the

Governor summarizing the information and making recommendations regarding programs and resources. In an effort to provide prevention and education resources to parents, school districts, and others responsible for safeguarding children, the Governor has directed various state agencies to implement many of the recommendations contained in this report.

FURTHER COURSE OF ACTION

- ❖ Explore funding opportunities to continue the Child Abuse and Abduction Prevention Program.

ISSUE #10: TRAINING FOR PROFESSIONALS

Training for a wide range of professionals, such as therapists, educators, parents, judges, and family court service personnel, is needed. Existing training for law enforcement needs revision in content and in implementation. Training needs to be more accessible to patrol officers and new recruits.

ISSUE #10A: REVISION OF EXISTING TRAINING

Existing training for law enforcement tends to focus on either family abductions or non-family abductions, rarely combining the two during the same segment of training.

RECOMMENDATION

Existing training materials need to be revised to include an emphasis on both family and non-family abduction. Training on each subject should receive equal time, and should include a discussion of risk factors, investigation, and handling of a case. The potential for serious harm and emotional abuse to a child, regardless of the type of abduction, should be emphasized.

ISSUE #10B: ACADEMY TRAINING COURSES FOR LAW ENFORCEMENT OFFICERS

The basic academy only provides minimal training on child abduction issues. Ongoing and training updates in the area of child abduction are generally not part of the Advanced Officer and Supervisor Training curriculum.

RECOMMENDATION

Law enforcement personnel should be provided specific training on family and non-family abduction in the basic academy for new officers, advanced officer in-service training, and supervisor training. A recent concern is the California Peace Officer Standards and Training (POST) may be considering reducing the number of child abuse education hours police academy students must attend. Many Task Force members would like child abduction to be considered by law enforcement to be a form of child abuse, and as such, would like POST to add to and not decrease the number of training hours in this area.

RESULTS FOR ISSUES #10A AND #10B

The information presented to the basic academy and advanced officer training varies by location. Some academies enhance their missing persons training to include family and/or non-family child abduction issues. For example, the San Diego District Attorney's Office is teaching family abduction issues at the regional academy for both basic and advanced officer training.

FURTHER COURSE OF ACTION

- ❖ The Task Force should survey individual academies within the state to determine the content and amount of family and non-family abduction training being conducted at each facility. With this information the Task Force can work with the Commission on POST and CDAA to identify the training needs and ensure minimum standards of training for family and non-family abduction issues are being provided.

ISSUE #10C: LIMITED TRAINING FOR NON-LAW ENFORCEMENT PROFESSIONALS

Courses on child abduction are limited, generally oriented toward law enforcement personnel.

Mandated reporters are in the best position to view a child's body and behavior, as well as their interactions with a parent or caregiver, such individuals may develop suspicions an abduction may occur. If mandated reporters were required to report suspicions of child abduction to local law enforcement or to the district attorney's offices, those agencies could contact the parent or caregiver likely to lose contact with the child. Once these agencies have identified and communicated with the parent or caregiver in danger of losing the child through an abduction, representatives from these agencies could refer the parent or caregiver to appropriate judicial facilities or to nonprofit organizations. In turn, these entities could provide legal assistance and abduction prevention information as well as could assist by providing child identity kits.

Increased training programs, mandated training, public awareness, and prevention campaigns can be beneficial to professionals and the public and would help safeguard the integrity of the child and his or her stable living conditions.

RECOMMENDATION

California's children would be safer if child abuse reporters were also mandated to report suspicion of child abduction. If such a change in the legislation were to occur, such reporters must be trained on the issues of family and non-family abductions. Training could be incorporated into the continuing education requirements of the various professional licensing organizations regulating the professional status of the mandated reporters. A minimum number of hours of training in child abduction

awareness, risk factors, and prevention would enable both mandated reporters as well as various other professionals who work with children.

The prevention projects previously addressed this through training for service providers (the projects' secondary/adult target group).

California state agencies charged with various licensing and credentialing of individuals who work closely with children include:

- Department of Health Services (health care);
- Department of Social Services (county human service);
- Department of Consumer Affairs (clinical social workers; marriage and family therapists; chemical dependency/alcohol counselors); and
- Department of Education (teachers, classroom aides, preschool staff, and personal day care providers).

The federal organizations identified as having influence over mandated training include:

- American Medical Association (health care professionals);
- American Psychological Association (mental health professionals); and
- National Association of Social Workers (human service professionals).

The Task Force will identify all local, state, national, and international child abduction resources. The Task Force will then coordinate these resources and include them in a database available on-line. An independent commission should be created in order to determine agency inclusion on this list of resources. A Task Force subcommittee should be formed to maintain and update this list to ensure current contact information and to reflect changes in the services offered by the agencies included on the list.

RESULTS

The Task Force should work with California's Police Officer Standards and Training (POST), the California District Attorneys Association (CDAA), the California Department of Justice (DOJ), and the California Department of Social Services (CDSS) to participate in the collaborative development of training material for mandated reporters. This training should include training on family and non-family child abduction issues, outreach and prevention. The Task Force should also consider lobbying for legislation which would recognize parental kidnapping as a form of child abuse.

ISSUE #10D: PUBLIC AWARENESS AND EDUCATION ARE NEEDED

The public is not aware of the seriousness of child abduction. While public awareness campaigns have highlighted issues related to child physical and sexual abuse and the impact of family violence on children, the growing problem of child abduction has not received the same attention.

FURTHER COURSE OF ACTION

- ❖ Identify funding sources to develop and disseminate child abduction brochures and public service announcements for television and radio would increase public awareness about the risks and consequences of child abduction.
- ❖ Reinstatement of the Child Abuse and Abduction Prevention Projects funding will significantly increase public awareness and education of child abduction issues. Such funding will provide training and materials to adults and to children in grades kindergarten through 6th using the previously OCJP-funded development of the “Safetysaurus” curriculum as well as other awareness materials.
- ❖ Continue funding for the Child Identification Projects. This will enhance ongoing public awareness regarding child safety and the realities of child abduction.
- ❖ Many of the Task Force member agencies conduct child safety events, promote National Missing Children’s Day activities, provide issue-relevant training, and conduct numerous media interviews. These activities greatly heighten public awareness.

RESULTS

Although a child abduction brochure and public service announcements for the media have not yet been developed, the development of these is still a possibility in the near future if funding becomes available. As a way to increase the public awareness about child abduction, the Child Abuse and Abduction Prevention Program projects, with funding from OCJP from 1998 to 2002, were able to develop the preventative education materials “Safetysaurus” for children Kindergarten through sixth grade. “Safetysaurus” was presented by Central California CARES, Southern California CARES, and Vanished Children’s Alliance at various elementary schools and after-school programs statewide.

This report was developed and published to provide a continuing effort to address the issue of child abduction. This is just the beginning. Fortunately, a strong commitment exists to pursue further research in addressing the issue of child abduction, and to help make California a safer place for our children.

APPENDIX A

California Family Code

Sections

3048

3130

3131

3132

3133

3134

3134.5

Family Code §3048

3048. (a) Notwithstanding any other provision of law, in any proceeding to determine child custody or visitation with a child, every custody or visitation order shall contain all of the following:

- (1) The basis for the court's exercise of jurisdiction.
- (2) The manner in which notice and opportunity to be heard were given.
- (3) A clear description of the custody and visitation rights of each party.
- (4) A provision stating that a violation of the order may subject the party in violation to civil or criminal penalties, or both.
- (5) Identification of the country of habitual residence of the child or children.

(b) (1) In cases in which the court becomes aware of facts which may indicate that there is a risk of abduction of a child, the court shall, either on its own motion or at the request of a party, determine whether measures are needed to prevent the abduction of the child by one parent. To make that determination, the court shall consider the risk of abduction of the child, obstacles to location, recovery, and return if the child is abducted, and potential harm to the child if he or she is abducted. To determine whether there is a risk of abduction, the court shall consider the following factors:

(A) Whether a party has previously taken, enticed away, kept, withheld, or concealed a child in violation of the right of custody or of visitation of a person.

(B) Whether a party has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of the right of custody or of visitation of a person.

(C) Whether a party lacks strong ties to this state.

(D) Whether a party has strong familial, emotional, or cultural ties to another state or country, including foreign citizenship. This factor shall be considered only if evidence exists in support of another factor specified in this section.

(E) Whether a party has no financial reason to stay in this state, including whether the party is unemployed, is able to work anywhere, or is financially independent.

(F) Whether a party has engaged in planning activities that would facilitate the removal of a child from the state, including quitting a job, selling his or her primary residence, terminating a lease, closing a bank account, liquidating other assets, hiding or destroying documents, applying for a passport, applying to obtain a birth certificate or school or medical records, or purchasing airplane or other travel tickets, with consideration given to whether a party is carrying out a safety plan to flee from domestic violence.

(G) Whether a party has a history of a lack of parental cooperation or child abuse, or there is substantiated evidence that a party has perpetrated domestic violence.

(H) Whether a party has a criminal record.

(2) If the court makes a finding that there is a need for preventative measures after considering the factors listed in paragraph (1), the court shall consider taking one or more of the following measures to prevent the abduction of the child:

- (A) Ordering supervised visitation.

(B) Requiring a parent to post a bond in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to offset the cost of recovery of the child in the event there is an abduction.

(C) Restricting the right of the custodial or noncustodial parent to remove the child from the county, the state, or the country.

(D) Restricting the right of the custodial parent to relocate with the child, unless the custodial parent provides advance notice to, and obtains the written agreement of, the noncustodial parent, or obtains the approval of the court, before relocating with the child.

(E) Requiring the surrender of passports and other travel documents.

(F) Prohibiting a parent from applying for a new or replacement passport for the child.

(G) Requiring a parent to notify a relevant foreign consulate or embassy of passport restrictions and to provide the court with proof of that notification.

(H) Requiring a party to register a California order in another state as a prerequisite to allowing a child to travel to that state for visits, or to obtain an order from another country containing terms identical to the custody and visitation order issued in the United States (recognizing that these orders may be modified or enforced pursuant to the laws of the other country), as a prerequisite to allowing a child to travel to that county for visits.

(I) Obtaining assurances that a party will return from foreign visits by requiring the traveling parent to provide the court or the other parent or guardian with any of the following:

(i) The travel itinerary of the child.

(ii) Copies of round trip airline tickets.

(iii) A list of addresses and telephone numbers where the child can be reached at all times.

(iv) An open airline ticket for the left-behind parent in case the child is not returned.

(J) Including provisions in the custody order to facilitate use of the Uniform Child Custody Jurisdiction and Enforcement Act (Part 3 (commencing with Section 3400)) and the Hague Convention on the Civil Aspects of International Child Abduction (implemented pursuant to 42 U.S.C. Sec. 11601 et seq.), such as identifying California as the home state of the child or otherwise defining the basis for the California court's exercise of jurisdiction under Part 3 (commencing with Section 3400), identifying the United States as the country of habitual residence of the child pursuant to the Hague Convention, defining custody rights pursuant to the Hague Convention, obtaining the express agreement of the parents that the United States is the country of habitual residence of the child, or that California or the United States is the most appropriate forum for addressing custody and visitation orders.

(K) Authorizing the assistance of law enforcement.

(3) If the court imposes any or all of the conditions listed in paragraph (2), those conditions shall be specifically noted on the minute order of the court proceedings.

(4) If the court determines there is a risk of abduction that is sufficient to warrant the application of one or more of the prevention measures authorized by this section, the court shall inform the parties of the telephone number and address of the Child Abduction Unit in the office of the district attorney in the county where the custody or visitation order is being entered.

(c) The Judicial Council shall make the changes to its child custody order forms that are necessary for the implementation of subdivision (b). This subdivision shall become operative on July 1, 2003.

(d) Nothing in this section affects the applicability of Section 278.7 of the Penal Code.

Family Code §3130

If a petition to determine custody of a child has been filed in a court of competent jurisdiction, or if a temporary order pending determination of custody has been entered in accordance with Chapter 3 (commencing with Section 3060), and the whereabouts of a party in possession of the child are not known, or there is reason to believe that the party may not appear in the proceedings although ordered to appear personally with the child pursuant to Section 3411, the district attorney shall take all actions necessary to locate the party and the child and to procure compliance with the order to appear with the child for purposes of adjudication of custody. The petition to determine custody may be filed by the district attorney.

Family Code §3131

If a custody or visitation order has been entered by a court of competent jurisdiction and the child is taken or detained by another person in violation of the order, the district attorney shall take all actions necessary to locate and return the child and the person who violated the order and to assist in the enforcement of the custody or visitation order or other order of the court by use of an appropriate civil or criminal proceeding.

Family Code §3132

In performing the functions described in Sections 3130 and 3131, the district attorney shall act on behalf of the court and shall not represent any party to the custody proceedings.

Family Code §3133

If the district attorney represents to the court, by a written declaration under penalty of perjury, that a temporary custody order is needed to recover a child who is being detained or concealed in violation of a court order or a parent's right to custody, the court may issue an order, placing temporary sole physical custody in the parent or person recommended by the district attorney to facilitate the return of the child to the jurisdiction of the court, pending further hearings. If the court determines that it is not in the best interest of the child to place temporary sole physical custody in the parent or person recommended by the district attorney, the court shall appoint a person to take charge of the child and return the child to the jurisdiction of the court.

Family Code §3134

(a) When the district attorney incurs expenses pursuant to this chapter, including expenses incurred in a sister state, payment of the expenses may be advanced by the county subject to reimbursement by the state, and shall be audited by the Controller and paid by the State Treasury according to law.

(b) The court in which the custody proceeding is pending or which has continuing jurisdiction shall, if appropriate, allocate liability for the reimbursement of actual expenses incurred by the

district attorney to either or both parties to the proceedings, and that allocation shall constitute a judgment for the state for the funds advanced pursuant to this section. The county shall take reasonable action to enforce that liability and shall transmit all recovered funds to the state.

Family Code §3134.5

(a) Upon request of the district attorney, the court may issue a protective custody warrant to secure the recovery of an unlawfully detained or concealed child. The request by the district attorney shall include a written declaration under penalty of perjury that a warrant for the child is necessary in order for the district attorney to perform the duties described in Sections 3130 and 3131. The protective custody warrant for the child shall contain an order that the arresting agency shall place the child in protective custody, or return the child as directed by the court. The protective custody warrant may be served in any county in the same manner as a warrant of arrest and may be served at any time of the day or night.

(b) Upon a declaration of the district attorney that the child has been recovered or that the warrant is otherwise no longer required, the court may dismiss the warrant without further court proceedings.

APPENDIX B

California Penal Code

Sections

207

277

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784.5

14205

14210

14213

Penal Code §207

207. (a) Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, is guilty of kidnapping.

(b) Every person, who for the purpose of committing any act defined in Section 288, hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any child under the age of 14 years to go out of this country, state, or county, or into another part of the same county, is guilty of kidnapping.

(c) Every person who forcibly, or by any other means of instilling fear, takes or holds, detains, or arrests any person, with a design to take the person out of this state, without having established a claim, according to the laws of the United States, or of this state, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of this state, or to be taken or removed therefrom, for the purpose and with the intent to sell that person into slavery or involuntary servitude, or otherwise to employ that person for his or her own use, or to the use of another, without the free will and consent of that persuaded person, is guilty of kidnapping.

(d) Every person who, being out of this state, abducts or takes by force or fraud any person contrary to the law of the place where that act is committed, and brings, sends, or conveys that person within the limits of this state, and is afterwards found within the limits thereof, is guilty of kidnapping.

(e) For purposes of those types of kidnapping requiring force, the amount of force required to kidnap an unresisting infant or child is the amount of physical force required to take and carry the child away a substantial distance for an illegal purpose or with an illegal intent.

(f) Subdivisions (a) to (d), inclusive, do not apply to any of the following:

(1) To any person who steals, takes, entices away, detains, conceals, or harbors any child under the age of 14 years, if that act is taken to protect the child from danger of imminent harm.

(2) To any person acting under Section 834 or 837.

Penal Code §277

The following definitions apply for the purposes of this chapter:

(a) "Child" means a person under the age of 18 years,

(b) "Court order" or "custody order" means a custody determination decree, judgment, or order issued by a court of competent jurisdiction, whether permanent or temporary, initial or modified, that affects the custody or visitation of a child, issued in the context of a custody proceeding. An order, once made, shall continue in effect until it expires, is modified, is rescinded, or terminates by operation of law.

(c) "Custody proceeding" means a proceeding in which a custody determination is an issue, including, but not limited to, an action for dissolution or separation, dependency, guardianship, termination of parental rights, adoption, paternity, except actions under Section 11350 or 11350.1 of the Welfare and Institutions Code, or protection from domestic violence proceedings,

including an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code.

(d) "Lawful custodian" means a person, guardian, or public agency having a right to custody of a child.

(e) A "right to custody" means the right to the physical care, custody, and control of a child pursuant to a custody order as defined in subdivision (b) or, in the absence of a court order, by operation of law, or pursuant to the Uniform Parentage Act contained in Part 3 (commencing with Section 7600) of Division 12 of the Family Code. Whenever a public agency takes protective custody or jurisdiction of the care, custody, control, or conduct of a child by statutory authority or court order, that agency is a lawful custodian of the child and has a right to physical custody of the child. In any subsequent placement of the child, the public agency continues to be a lawful custodian with a right to physical custody of the child until the public agency's right of custody is terminated by an order of a court of competent jurisdiction or by operation of law.

(f) In the absence of a court order to the contrary, a parent loses his or her right to custody of the child to the other parent if the parent having the right to custody is dead, is unable or refuses to take the custody, or has abandoned his or her family. A natural parent whose parental rights have been terminated by court order is no longer a lawful custodian and no longer has a right to physical custody.

(g) "Keeps" or "withholds" means retains physical possession of a child whether or not the child resists or objects.

(h) "Visitation" means the time for access to the child allotted to any person by court order.

(i) "Person" includes, but is not limited to, a parent or an agent of a parent.

(j) "Domestic violence" means domestic violence as defined in Section 6211 of the Family Code.

(k) "Abduct" means take, entice away, keep, withhold, or conceal.

Penal Code §278

Every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1,000), or both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

Penal Code §278.5

(a) Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1,000), or both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

(b) Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding

one thousand dollars (\$1,000), or both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

(c) Nothing contained in this section limits the court's contempt power.

(d) A custody order obtained after the taking, enticing away, keeping, withholding, or concealing of a child does not constitute a defense to a crime charged under this section.

Penal Code §278.6

(a) At the sentencing hearing following a conviction for a violation of Section 278 or 278.5, or both, the court shall consider any relevant factors and circumstances in aggravation, including, but not limited to, all of the following:

- (1) The child was exposed to a substantial risk of physical injury or illness.
- (2) The defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child at the time of or during the abduction.
- (3) The defendant harmed or abandoned the child during the abduction.
- (4) The child was taken, enticed away, kept, withheld, or concealed outside the United States.
- (5) The child has not been returned to the lawful custodian.
- (6) The defendant previously abducted or threatened to abduct the child.
- (7) The defendant substantially altered the appearance or the name of the child.
- (8) The defendant denied the child appropriate education during the abduction.
- (9) The length of the abduction.
- (10) The age of the child.

(b) At the sentencing hearing following a conviction for a violation of Section 278 or 278.5, or both, the court shall consider any relevant factors and circumstances in mitigation, including, but not limited to, both of the following:

- (1) The defendant returned the child unharmed and prior to arrest or issuance of a warrant for arrest, whichever is first.
- (2) The defendant provided information and assistance leading to the child's safe return.

(c) In addition to any other penalties provided for a violation of Section 278 or 278.5, a court shall order the defendant to pay restitution to the district attorney for any costs incurred in locating and returning the child as provided in Section 3134 of the Family Code, and to the victim for those expenses and costs reasonably incurred by, or on behalf of, the victim in locating and recovering the child. An award made pursuant to this section shall constitute a final judgment and shall be enforceable as such.

Penal Code §278.7

(a) Section 278.5 does not apply to a person with a right to custody of a child who, with good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child.

(b) Section 278.5 does not apply to a person with a right to custody of a child who has been a victim of domestic violence who, with a good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child. "Emotional harm" includes having a parent who

has committed domestic violence against the parent who is taking, enticing away, keeping, withholding, or concealing the child.

(c) The person who takes, entices away, keeps, withholds, or conceals a child shall do all of the following:

- (1) Within a reasonable time frame from the taking, enticing away, keeping, withholding, or concealing, make a report to the office of the district attorney of the county where the child resided before the action. The report shall include the name of the person, the current address and telephone number of the child and the person, and the reasons the child was taken, enticed away, kept, withheld, or concealed.
- (2) Within a reasonable time from the taking, enticing away, keeping, withholding, or concealing, commence a custody proceeding in a court of competent jurisdiction consistent with the federal Parental Kidnapping Prevention Act (Section 1738A, Title 28, United States Code) or the Uniform Child Custody Jurisdiction Act (Part 3 (commencing with Section 3400) of Division 8 of the Family Code).
- (3) Inform the district attorney's office of any change of address or telephone number of the person and the child.

(d) For the purposes of this article, a reasonable time within which to make a report to the district attorney's office is at least 10 days and a reasonable time to commence a custody proceeding is at least 30 days. This section shall not preclude a person from making a report to the district attorney's office or commencing a custody proceeding earlier than those specified times.

(e) The address and telephone number of the person and the child provided pursuant to this section shall remain confidential unless released pursuant to state law or by a court order that contains appropriate safeguards to ensure the safety of the person and the child.

Penal Code §279

A violation of Section 278 or 278.5 by a person who was not a resident of, or present in, this state at the time of the alleged offense is punishable in this state, whether the intent to commit the offense is formed within or outside of this state, if any of the following apply:

(a) The child was a resident of, or present at the time the child was taken, enticed away, kept, withheld, or concealed.

(b) The child thereafter is found in this state.

(c) A lawful custodian or a person with a right to visitation is a resident of this state at the time the child was taken, enticed away, kept, withheld, or concealed.

Penal Code §279.1

The offenses enumerated in Sections 278 and 278.5 are continuous in nature, and continue for as long as the minor child is concealed or detained.

Penal Code §279.5

When a person is arrested for an alleged violation of Section 278 or 278.5, the court, in setting bail, shall take into consideration whether the child has been returned to the lawful custodian,

and if not, shall consider whether there is an increased risk that the child may not be returned, or the defendant may flee the jurisdiction, or, by flight or concealment, evade the authority of the court.

Penal Code §279.6

(a) A law enforcement officer may take a child into protective custody under any of the following circumstances:

- (1) It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.
- (2) There is no lawful custodian available to take custody of the child.
- (3) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
- (4) The child is an abducted child.

(b) When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

- (1) Release the child to the lawful custodian of the child, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.
- (2) Obtain an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code ordering placement of the child with an interim custodian who agrees in writing to accept interim custody.
- (3) Release the child to the social services agency responsible for arranging shelter or foster care.
- (4) Return the child as ordered by a court of competent jurisdiction.

(c) Upon the arrest of a person for a violation of Section 278 or 278.5, a law enforcement officer shall take possession of an abducted child who is found in the company of, or under the control of, the arrested person and deliver the child as directed in subdivision (b).

(d) Notwithstanding any other law, when a person is arrested for an alleged violation of Section 278 or 278.5 the court shall, at the time of the arraignment or thereafter, order that the child shall be returned to the lawful custodian by or on a specific date, or that the person show cause on that date why the child has not been returned as ordered. If conflicting custodial orders exist within this state, or between this state and a foreign state, the court shall set a hearing within five court days to determine which court has jurisdiction under the laws of this state, and determine which state has subject matter jurisdiction to issue a custodial order under the laws of this state, the Uniform Child Custody Jurisdiction Act (Part 3 (commencing with Section 3400) of Division 8 of the Family Code), or federal law, if applicable. At the conclusion of the hearing, or if the child has not been returned as ordered by the court at the time of arraignment, the court shall enter an order as to which custody order is valid and is to be enforced. If the child has not been returned at the conclusion of the hearing, the court shall set a date within a reasonable time by which the child shall be returned to the lawful custodian, and order the defendant to comply by this date, or to show cause on that date why he or she has not returned the child as directed. The court shall only enforce its order, or any subsequent orders for the return of the child, under subdivision (a) of Section 1219 of the Code of Civil Procedure, to ensure that the child is promptly placed with the lawful custodian. An order adverse to either the prosecution or defense is reviewable by a writ of mandate or prohibition addressed to the appropriate court.

Penal Code §280

Every person who willfully causes or permits the removal or concealment of any child in violation of Section 8713, 8803, or 8910 of the Family Code shall be punished as follows:

(a) By imprisonment in a county jail for not more than one year if the child is concealed within the county in which the adoption proceeding is pending or in which the child has been placed for adoption, or is removed from that county to a place within this state.

(b) By imprisonment in the state prison, or by imprisonment in a county jail for not more than one year, if the child is removed from that county to a place outside of this state.

Penal Code §784.5

The jurisdiction of a criminal action for a violation of Section 277, 278, or 278.5 shall be in any one of the following jurisdictional territories:

(a) Any jurisdictional territory in which the victimized person resides, or where the agency deprived of custody is located, at the time of the taking or deprivation.

(b) The jurisdictional territory in which the minor child was taken, detained, or concealed.

© The jurisdictional territory in which the minor child is found.

When the jurisdiction lies in more than one jurisdictional territory, the district attorneys concerned may agree which of them will prosecute the case.

Penal Code §14205

14205. (a) All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. In cases where the person making a report of a missing person or runaway, contacts, including by telephone, the California Highway Patrol, the California Highway Patrol may take the report, and shall immediately advise the person making the report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report and make an assessment of reasonable steps to be taken to locate the person. If the missing person is under 16 years of age, or there is evidence that the person is at risk, the department shall broadcast a "Be On the Look-Out" bulletin, without delay, within its jurisdiction.

(b) If the person reported missing is under 16 years of age, or if there is evidence that the person is at risk, the local police, sheriff's department, or the California Highway Patrol shall submit the report to the Attorney General's office within four hours after accepting the report. After the California Law Enforcement Telecommunications System online missing person registry becomes operational, the reports shall be submitted, within four hours after accepting the

report, to the Attorney General's office through the use of the California Telecommunications System.

(c) In cases where the report is taken by a department, other than that of the city or county of residence of the missing person or runaway, the department, or division of the California Highway Patrol taking the report shall, without delay, and, in the case of children under 16 years of age or where there was evidence that the missing person was at risk, within no more than 24 hours, notify, and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen. The report shall also be submitted by the department or division of the California Highway Patrol which took the report to the center.

(d) The requirements imposed by this section on local police and sheriff's departments shall not be operative if the governing body of that local agency, by a majority vote of the members of that body, adopts a resolution expressly making those requirements inoperative.

14210. (a) The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.

(b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

14213. (a) As used in this title, "missing person" includes, but is not limited to, a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4 (commencing with Section 277) of Title 9 of Part 1. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

(b) As used in this title, "evidence that the person is at risk" includes, but is not limited to, evidence or indications of any of the following:

- (1) The person missing is the victim of a crime or foul play.
- (2) The person missing is in need of medical attention.
- (3) The person missing has no pattern of running away or disappearing.
- (4) The person missing may be the victim of parental abduction.
- (5) The person missing is mentally impaired.

(c) As used in this title, "child" is any person under the age of 18.

(d) As used in this title, "center" means the Violent Crime Information Center.

(e) As used in this title, "dependent adult" is any person described in subdivision (e) of Section 368.

(f) As used in this title, "dental or medical records or X-rays," include all those records or X-rays which are in the possession of a dentist, physician and surgeon, or medical facility.

APPENDIX C

California Public Utilities Code **Section** 588

Public Utilities Code §588

(a) Notwithstanding any regulation, tariff, opinion, or interim opinion of the Public Utilities Commission, or any other provision of law, an inspector or investigator, as defined in Section 830.1 of the Penal Code, who is employed in the office of a district attorney may request and shall receive from telephone, gas, and electric public utilities customer information limited to the full name, date of birth, social security number, address, prior address, forwarding address, place of employment, and date of service instituted, terminated, or suspended by, utility customers to the extent the information is stored within the utility records and computer data bases. However, in no case shall information be released disclosing customer usage of the services provided by the utility without a court order or subpoena.

(b) In order to protect the privacy interest of utility customers, a request to a public utility for customer information pursuant to this section shall meet the following requirements:

- (1) The requested information is relevant and material to an investigation pursuant to Sections 3130, 3131, 3132, 3133, and 3134 of the Family Code concerning the kidnapping, abduction, concealment, detention, or retention of a minor child and that the inspector or investigator requesting the information has a reasonable, good faith belief that the utility customer information is needed to assist the inspector or investigator in the location or recovery of a minor child or abductor, coconspirator or aider and abettor of the continuing crime of child abduction or concealment.
- (2) Only inspectors and investigators as defined in Section 830.1 of the Penal Code, who are employed in the office of a district attorney whose names have been submitted to the utility in writing by a district attorney's office, may request and receive customer and customer service information pursuant to this section. Each district attorney's office shall ensure that each public utility has at all times a current list of the names of inspectors and investigators authorized to request and receive customer and customer service information. Each district attorney's office shall immediately notify the utility in writing and withdraw the names of inspectors and investigators from the authorized list who no longer have a need for the access.
- (3) This section does not authorize inspectors and investigators to obtain any utility customer information, other than that authorized by this section, without proper service of process as required by law.
- (4) The district attorney's office requesting and receiving utility information shall ensure its confidentiality. At no time shall any information obtained pursuant to this section be disclosed or used for any purpose other than to assist in the location or recovery of a person or persons specified in paragraph (1).
- (5) The inspector or investigator requesting utility information authorized for release by this section shall make a record on a form created and maintained by the district attorney's office, which shall include the name of the utility customer about whom the inquiry was made, the name of the inspector or investigator making the inquiry, the date of inquiry, the name of the utility, the utility employee to whom the request was made, and the information that was requested and received.
- (6) The inspector or investigator requesting information pursuant to this section shall prepare and sign, under penalty of perjury, a written affidavit of probable cause, which shall be contained on a form created by the Attorney General's office in consultation

with telephone, gas, and electric utilities. The form shall be retained by the utility for a period of one year and shall contain a statement of all the facts known to the inspector or investigator that support the existence of all of the requirements of this section. The affidavit shall also contain a statement of exigent circumstances, explaining why the inspector or investigator could not seek and obtain a search warrant, court order, or other court process for the production of the information sought.

(c) No public utility, or official or employee thereof, shall be subject to criminal or civil liability for the release of customer information in reasonable reliance on an affidavit appearing on its face to be valid, and which was submitted by a person whose name appears on the current authorization list, as required in paragraph (2) of subdivision (b). However, any person who willfully violates any provision of this section is guilty of a misdemeanor, pursuant to Section 2112.5.

(d) The utility receiving the request for customer information may charge the requesting district attorney's office a reasonable fee for the search and release of the requested information and for the storage of the required forms.

APPENDIX D

California Education Code

Sections

49068.5

49068.6

Education Code §49068.5

Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil (a) transfers from one school district to another, (b) transfers to an elementary school within the same district, (c) transfers from one private elementary school to another, (d) transfers from a private elementary school to a public elementary school, or (e) transfers from a public elementary school to a private elementary school, the principal of the school that the child enters or to which he or she transfers is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to Section 14201 of the Penal Code.

Education Code §49068.6

(a) Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.

(b) Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools this shall be in addition to the posting requirements set forth in Section 38139.

(c) Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.

(d) If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

APPENDIX E

California Government Code **Section** **13955**

Government Code §13955

Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

- (a) The person for whom compensation is being sought is any of the following:
 - (1) A victim.
 - (2) A derivative victim.
 - (3) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to subdivision (i) of Section 13957.
- (b) Either of the following conditions is met:
 - (1) The crime occurred within the State of California, whether or not the victim is a resident of the State of California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the State of California for the compensation of victims of crime.
 - (2) Whether or not the crime occurred within the State of California, the victim was any of the following:
 - (A) A resident of the State of California.
 - (B) A member of the military stationed in California.
 - (C) A family member living with a member of the military stationed in California.
- (c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or resident of another state, who is any of the following:
 - (1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.
 - (2) At the time of the crime was living in the household of the victim.
 - (3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).
 - (4) Is another family member of the victim, including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime.
 - (5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.
- (d) The application is timely pursuant to Section 13953.
- (e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.
 - (a) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:
 - i. Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
 - ii. Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.
 - iii. Caused by a person who is under the influence of any alcoholic beverage or drug.
 - iv. Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

v. Caused by a person who commits vehicular manslaughter in violation of subdivision (c) of Section 192 or Section 192.5 of the Penal Code.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

- (1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury. A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.
- (2) Emotional injury and a threat of physical injury.
- (3) Emotional injury, where the crime was a violation of any of the following provisions:
 - i Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the Penal Code.
 - ii Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.
 - iii Section 261.5 of the Penal Code, and criminal charges were filed.
 - iv Section 278 or 278.5 of the Penal Code, where the deprivation of custody as described in those sections has endured for 30 calendar days or more. For purposes of this paragraph, the child, and not the non-offending parent or other caretaker, shall be deemed the victim.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.9, inclusive.

APPENDIX F

WELFARE AND INSTITUTIONS CODE

305

Appendix F

WELFARE AND INSTITUTIONS CODE

SECTION 305

305. Any peace officer may, without a warrant, take into temporary custody a minor:

(a) When the officer has reasonable cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.

(b) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.

(c) Who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.

(d) Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.